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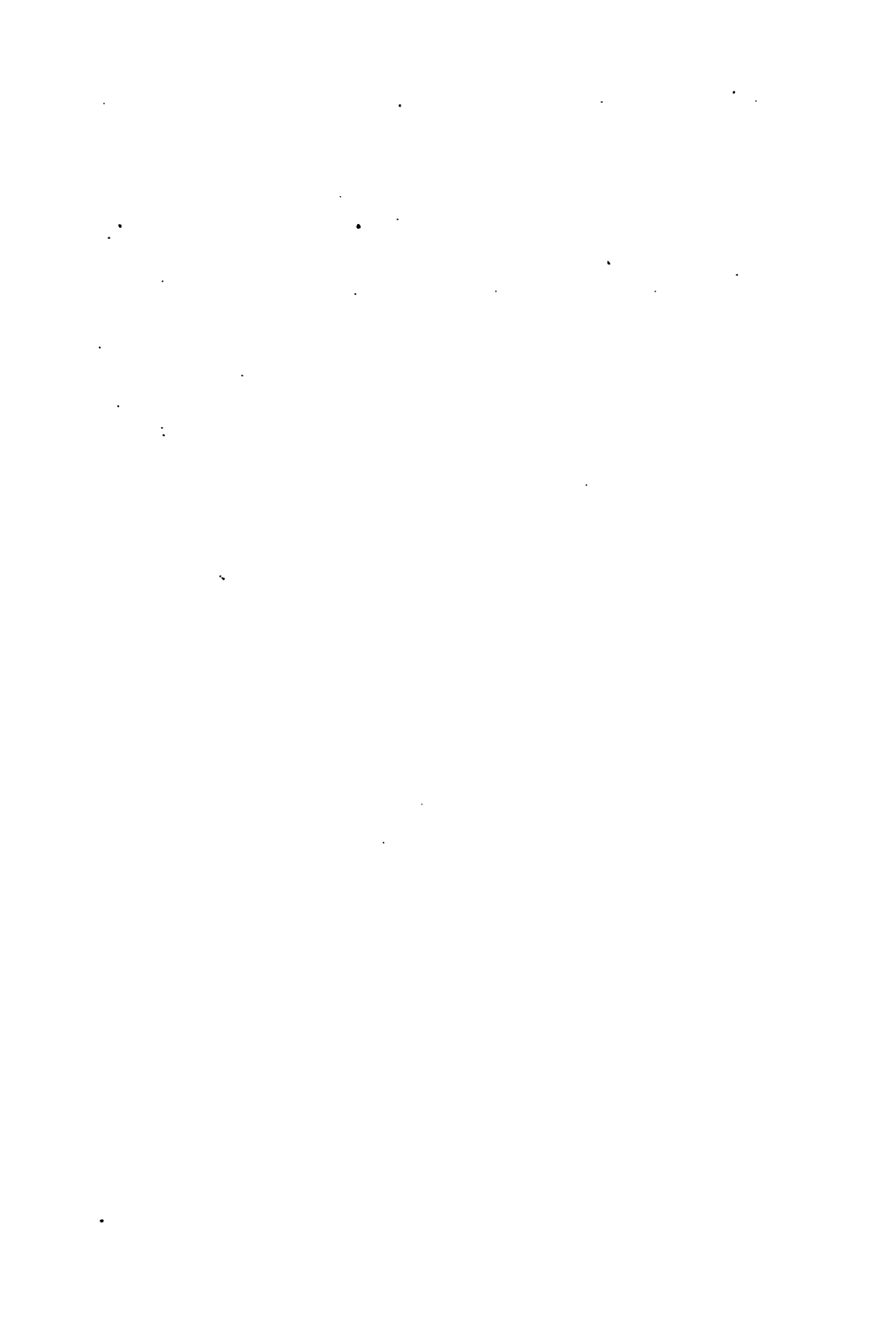
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BIRMINGHAM REFERENCE LIBRARY LECTURES.

BOOKS ON LAW AND JURISPRUDENCE.

On the 12th November, 1884, in the Chemical Lecture Theatre of the Mason College (kindly lent for the purpose by the Trustees), the first of these lectures was delivered by Councillor G. J. Johnson. The chair was taken by the Mayor (Mr. Alderman Thomas Martineau), who said :

Ladies and Gentlemen,—It is a subject of a good deal of interest to me that the two first public duties I have had to perform as Mayor have been in connection first with science and secondly with literature. On Tuesday I had the honour on behalf of the town of Birmingham to invite the British Association for the Advancement of Science to hold its meeting for the year 1886 in the town of Birmingham, and I am happy to say that having in 1884 crossed the broad Atlantic in order to meet at Montreal, and being about, in the year 1885, to go to the North East Coast of Scotland they have decided on their return to English latitudes to hold their meeting in the midlands in 1886. We have nothing to do specially with science on this occasion, we are here on behalf of literature. I have a peculiar pleasure in appearing here to-night for the purpose of presiding over this

lecture, considering the circumstances under which it is to be given. There is no institution in all Birmingham under the management of the Corporation which gives such complete satisfaction to the members of the Council and which is so universally popular among their constituents as the Free Libraries. I might say further that I believe there is no sight we can show to any stranger who comes to Birmingham which is so interesting and so attractive as the Reference Library in Birmingham. I speak with some experience because I have had the pleasure during the last autumn, and on several occasions, of introducing friends to a sight of that wonderful collection of books. Interesting as the Free Libraries are, and attractive as the Reference Library is to all strangers, I have no doubt that there is a great deal in the Reference Library which is totally unknown to all but a very few of the inhabitants of the borough. There is, in fact, a great mine of literary wealth which is, to a large extent, unexplored by the inhabitants, and it seems to me to have been the happiest of all happy thoughts to organise lectures which should have the effect of opening up to the inhabitants of the borough some knowledge of the most valuable contents of the great treasures which were in the library. The mines are to be worked by various explorers. The first shaft in the valuable mine is to be sunk by the captain of the crew. I feel sure that you will all welcome Mr. Councillor Johnson (the Chairman for many years past of the Free Libraries Committee) in his introduction of the series of lectures on a subject which is peculiarly within his knowledge and grasp, and although the subject he has chosen is not generally considered to be one particularly attractive, we have a lecturer who can so deal with the matter as to shew it to be interesting and instructive to a large number of people. I know something about law myself, and I may say that it is a mistake to consider law always a dry subject. On the contrary it opens up a large number of very interesting questions, and I have no doubt

that the lecturer will so treat the subject as to excite your interest in it. It only remains for me to introduce the lecturer, but the idea of introducing Mr. Johnson to any Birmingham audience and more especially within the walls of the Mason Science College, seems the height of absurdity, and I will only call upon him to deliver his lecture.

MR. JOHNSON said :

MR. MAYOR,—If you, sir, have felt a peculiar pleasure that this should be your first public appearance in Birmingham itself since your appointment as Mayor, I feel it an honour that you, as an old member of our Free Libraries Committee, should, in your new capacity of Mayor, preside on this occasion.

Now, ladies and gentlemen, as the Mayor has told you, the object of this course of lectures is to serve as a guide to the various departments of that magnificent Reference Library which you find over the way, and the necessity of some such aid is obvious when stated. If ever there was an instance of the truth of the phrase “an embarrassment of riches,” it is when a student, anxious to pursue a course of reading in some branches of literature, science, or art, enters that library and has to choose for himself among the 75,000 volumes which it contains. He finds there indeed a mighty maze without a plan, and without even a finger post to direct his wandering steps. It is true there is a catalogue, and, thanks to the knowledge and zeal of our chief librarian, Mr. Mullins, and his staff, a very admirable catalogue it is ; but there is nothing that requires a greater knowledge of books to use properly than a catalogue. You cannot always judge from the title of a book what are its contents. Some years ago, as some of you will perhaps recollect, Mr. Ruskin wrote a pamphlet about the Church and the Clergy, which, in his Ruskinian way, he chose to call “Notes on the construction of sheep folds,” and it is said that more than one British farmer laid out his money in the purchase of this pamphlet, believing that in

it he would find some excellent practical advice how to rear Southdown mutton. I do not think we have anything in legal literature that quite equals that mis-leading title of Mr. Ruskin, the nearest approach to it is "The Leviathan" of Thomas Hobbes, of Malmesbury, which you would never suspect from the title to be, to use the language of Mr. Justice Stephen on his "Dialogue of the Common Law," the most powerful speculation on the subject of law and morals before the days of Bentham and Austin.

A necessity then arises from the very magnitude and completeness of the library, that persons who have made certain branches of knowledge their special study should perform for you the very useful, if homely, office of a finger post to the contents of the catalogue of the library.

I wish that it had fallen to someone else's lot to commence these lectures by a subject seemingly more attractive than the subject of legal literature, I say seemingly, because I do not admit that any subject could be chosen of more real interest. Somebody must make a beginning, and it seemed rather to devolve on the Chairman of the Committee to be first in the breach. I do not know what course succeeding lecturers will take, each will, no doubt, adopt the method most suitable to his subject. It appears to me that the most practical course for me to take will be to suppose each one of you to be saying to me, "I want to know something about law. What books in your library shall I read?" Before answering that question, let me mention that the books on law in the Reference Library have been selected on a principle, and that principle is that they must not be only and solely technical books. None of you should expect to find in the library books to teach you the special details of your various trades or occupations: how to file a piece of metal or cut a garment. So on the subject of law: there is no book in the library which will tell you in detail how to defend yourself in a County Court action. That is technical

detail, and no more literature than a directory is literature. The Free Libraries Committee have very properly drawn the line here. Any book which relates to the general principles of law ; any book which connects law with history, they have admitted ; but have excluded those purely technical books which are only the working tools of the lawyer. Allow me also, before I answer the question, a further explanation, and that is that law is like language. Just as there are various languages (as most of us know to our cost) and there is in addition a science of language distinct from any and every particular language, so in the law, we have English law, Roman law and many other systems of law. But there is a science of law totally distinct from any one system. There however the analogy ceases, for you may have a perfect knowledge of several languages without troubling yourself at all with the science of language. So professional lawyers imbibe the necessary knowledge of the principles of law in solution as it were with the details of their daily practice. But if you are beginning the study without the advantage of daily practice, you must begin with some clear and definite ideas of what law is itself, independent of whether it is Roman law or English law.

Now the book you ought to read for the purpose of clearing your mind on that subject is the book you will find in the catalogue under the title of "Austin's Jurisprudence," in two volumes, octavo. Do not be alarmed at the title, or at the two volumes, for I am going to recommend you to read only the first part, and not all of that, for I hope to avoid the mistake of much of the good advice I received when young to read an impossible number of books from beginning to end. This first part, which was originally published by itself in the year 1832 under the title of "The Province of Jurisprudence determined, or the philosophy of Positive Law," is a book which, very likely, you have never heard of before, and yet it is one of the remarkable books of this century. Remarkable by the fact that before it had reached a

second edition (which it did not do until the year 1861—after the author's death), and whilst it was still unknown, not only to the general public, but to the great majority of the legal profession, it had completely revolutionised the opinion of English jurists on the main point of the book. Its contents were originally a course of lectures given to perhaps as brilliant a class of young men as ever assembled at one time in the lecture room of one professor. There was John Stuart Mill, from whose notes a portion of the second part of the book has been compiled. There was Sir George Cornwall Lewis, who, although not in a judicial position, had one of the most judicial intellects of his time; there were such men as the late Master of the Rolls, Lord Romilly; the late Chief Justice of the Common Pleas, Sir William Erle; Lord Clarendon and Mr. Charles Pelham Villiers, who is well known for the part he took in the Corn Law Agitation. Now these men fairly imbibed the particular view of law that I am going to speak of as Austin's and helped to form, if not public opinion, at least enlightened legal opinion on that subject. You cannot open a modern law book dealing with principles and not with mere technical details, as for example the recent admirable History of the Criminal Law, by Mr. Justice Stephen (to which I shall refer later on), without finding it saturated with Austin's view of law. The object of the Province of Jurisprudence determined [i.e. defined] was to distinguish in all its details and consequences between the two senses of the word "law." Etymologically it means something *laid* down, you get the exact sense in the phrase *laying* your commands upon anybody, which implies the three essentials of law in the only sense in which a lawyer has any concern with it. These three essentials are (1) the right of some person or body of persons to command; (2) an obligation on the persons subject to them to obey; (3) the sanction of punishment for disobedience. There is however another meaning of the word "law," and that is the sense in which it is daily used in the room

in which I am now speaking.* When my friend, the chemical professor, talks about "a law," he simply uses the word to express the regular sequence of physical phenomena, so that if we see a physical effect we know it has certainly been preceded by another effect, and will invariably be followed by others. Now the difference between these two meanings of the words "law" may be described and contrasted as the different notions of "compulsion" and "regularity," and before you can have clear ideas on the subject of law—in the lawyer's sense—you must keep this well in your mind. The distinction is however so obvious, when stated, that you would naturally say you did not require Mr. Austin to write an octavo volume to prove that. It *is* clear when stated, but like a good many other things, it is always forgotten when it is not stated and the resulting confusion is serious. If you want an instance, take this passage from Richard Hooker—a passage I always find in every book of quotations under the title of "law." It is the closing sentence of the first book of his "Ecclesiastical Polity," and is this :—

"Of law there can be no less acknowledged than that her seat
 "is the bosom of God, her voice the harmony of the world : all
 "things in heaven and earth do her homage, the very least as
 "feeling her care, and the greatest as not exempted from her
 "power : both angels, and men, and creatures of what condition
 "soever, though each in different sort and manner, yet all with
 "uniform consent, admiring her as the mother of their peace
 "and joy."

As a specimen of the stately rhetoric of the sixteenth century, this passage is admirable, but you see at once there is a confusion in every line and almost in every word between law in the sense of natural sequence of phenomena, and law in the sense of a rule of human conduct enforced by punishment. Nor is it surprising that Hooker should have made this mistake since the most

* The Chemical Lecture Room of The Mason Science College.

celebrated institutional treatise the world has seen—that of Justinian (A.D. 533) begins with the division into the law of nature—the law of nations, and civil law, and defines the law of nature as that law which nature teaches to all animals. The same thing occurs in Montesquieu's "Spirit of Laws," (A.D. 1748,) which is justly celebrated as the beginning in modern times of the school of historical jurisprudence.

It was to clear up this confusion, and to mark off laws properly so called from laws improperly so called, and from morality and ethics, that the "Province of Jurisprudence" was written. As an instance of the practical importance of the distinction take the common phrase "international law." Now "international law" says Austin, "is law improperly so called for it lacks every one of three essentials of a law proper. It has no policeman to arrest the offender : no magistrate to try and sentence him ; no gaoler to carry the sentence into execution. What then is international law on the Austinian theory? It is either international agreement (which between two nations is called a treaty) or international morality, or the customs of nations similar to those which constitute the morals and manners of private life. Mr. Tennyson prophesies to us of a time when there shall be a "parliament of man—the federation of the world," and when that good time does come—when every dispute between nations shall be submitted to an international tribunal, with the physical force of all the rest of the world at its back to enforce its decrees—then, and not until then, will international law become law in the proper sense.

I have already said that you need at first only read the first part. I will now add that on the nature of law in itself it is only absolutely necessary for you to read the first, fifth, and sixth lectures ; but if (as we all want to do sometimes, especially those of us who have little time for reading), if you want to gain a general knowledge of the book without much trouble, I recommend you to read two articles in the *Edinburgh Review*, one for

October, 1861, and the other October, 1863. It took the writers in that respectable review about nine and twenty years to discover the book, but when they did find it out they were most generous in their praise. The article of October, 1863, which was written by John Stuart Mill, will give you a general account, not only of that part of the book which I have stated to be essential, but of the whole work, and is well worth your reading.

I am dwelling longer on Austin than I shall on other books, because not only do I personally feel under great obligations to him for having written a book which, with one exception, did more towards clearing and invigorating my mind than any other book, but because there is just now a turn in the tide of admiration in which he has been held for half a century. The earliest and the only criticism in any Review before 1861, that I can find, is in the *Westminster Review*, for January, 1833, most likely by John Stuart Mill's father, which says :—

“The province of jurisprudence determined claims the same
“place in a course of ethical studies as Euclid's elements in
“mathematical ;”

and the *Edinburgh Review*, for 1861, says :—

“Mr. Austin's propositions on jurisprudence have as much
“precision, and will, in all probability, be seen hereafter to
“have as much importance as the propositions of Adam Smith
“and Ricardo, on rent, profits, and value.”

But now comes the brilliant Mr. Frederick Harrison, who in three articles in the *Fortnightly Review*, for October and November, 1878, and January, 1879 (which articles by the way are an admirable précis of Austin's theory), not only points out the defect of that theory which I will presently explain, but denies his originality. Well, it is perfectly true, that part of Austin's theory is to be found in the “Dialogue of the Common Law,” which I have just mentioned, and which you will find in the sixth volume of Thomas Hobbes works in the library, and that the second,

third, and fourth lectures are an exposition of Bentham's theory of general utility, but on this point there is a very acute remark of Paley when he says of originality "He alone discovers who *proves*." Before Austin wrote his "Province of Jurisprudence determined," the confusion between the two senses of the word law was common and universal. Since Austin's time the recognition of the distinction has become a common place. Not the man who whispers a truth in the ear of a few bookworms, but he who proclaims it from the housetops so loudly and emphatically that it is henceforth a common possession, is the true benefactor of mankind. The point at which Austin's rigorous definition fails I shall speak of presently in relation to Sir Henry Maine's books.

One other benefit you may get from Austin's book, and that is the true sense of the word "jurisprudence." This word has perhaps been even more loosely used than the word law. One of the sins that doth so easily beset all writers and speakers is preferring the incorrect use of a good mouth-filling word of four syllables, like "jurisprudence," to the correct use of a little one-syllable word like "law." Therefore you will constantly find the phrase "Our English jurisprudence," when what is meant is English law in its entirety. Then, again, it is used as a fine name for a branch of the law as in the phrase "medical jurisprudence," which means that part of the law which is concerned with facts within the purview of medical science. What the true meaning of jurisprudence is can be best seen by returning to our former instance of the relations between law and language. There is a science of language independent of the Greek, Latin, German, and French languages, because a language to be a language at all must at least have nouns and verbs. The essence of a noun and a verb must be the same in all languages, although their relation to other parts of speech may be expressed by changes in their terminations, as in Greek and Latin, or by the addition of other words as in English. So with law. There are certain fundamental conceptions which

go to make up any and every system of law. You cannot conceive of any system of law which did not include these ideas, namely :—"Right," "obligation," "property," "possession," and many others. Like nouns and verbs these primal ideas may be dealt with differently in different systems of law, but they are dealt with in *some* manner in every such system. Now, just as science of language takes the constituents of language by themselves, so jurisprudence takes the constituent ideas of law, and discusses them by themselves, which leads us to Austin's definition that jurisprudence is "the science concerned with the exposition of the principles, notions, and distinctions which are common to systems of law."

The next important books I have to notice are the works of Jeremy Bentham (1748-1832). In the order of time they come before Austin, but I am not taking these authors chronologically but in the order in which it is useful for a student to read them.

Jeremy Bentham's works fill eleven stout octavos, and that being the case you may be glad to hear that only two small portions of them concern the subject we have in hand. These are his two earliest works, "The Fragment on Government," a vigorous criticism of Blackstone's Commentaries, and "The Principles of Morals and Legislation," both of which you will find in the first volume. There is a very handy edition of the latter work published by J. Hildreth, which you will also find in the Library.

The greater part of Bentham's works are concerned with legislation rather than with law in the abstract, and the very success of his labours in improving the administration of the law makes his writings now uninteresting. To use Carlyle's metaphor, they are records of contests with "extinct Satans." For constant reference on all points relating to morals and legislation, they are most valuable, and you will be glad to hear that the last volume contains a most copious and excellent index. But you will not find Bentham easy and pleasant reading. He

lived so much with philosophers and very superior people, and got so much in the habit of dividing and subdividing, and inventing new classifications of his ideas, that he gradually became incapable of writing in a language "understood of the people." Sydney Smith, who combined the most vigorous common sense with the finest literary touch, hit off these peculiarities of Bentham in an amusing way in his review of the work of Bentham on Fallacies, which you will find in the *Edinburgh Review* for August, 1825 (vol. 42, p. 367) or in any edition of his works. The one great benefit which Jeremy Bentham rendered to mankind was his advocacy of the principle of general utility as the object and test of all legislation. Speaking here, so near the Priestley statue, it would be unfair not to remember what Bentham himself states (vol. x., 79), that he derived this principle from an almost forgotten pamphlet of Joseph Priestley, which contains the phrase, "The greatest happiness of the greatest number." This principle of general utility you will find expounded in the second, third, and fourth lectures of Austin's book, which put the reasons in its favour in a more concise and systematic way than you will find in the works of Bentham himself.

Of this theory, a distinguished writer of a different school (to whose works I shall presently refer), Sir Henry Maine, says, "No conception of law and society has ever removed such a mass of undoubted delusion" (*Early History of Institutions*, ed. 1875, p. 397). He leaves out of the question, as we do here, that side of the theory which seeks to account for the genesis of morals. Its importance to the lawyer is in its furnishing a good working rule for legislation, and an easily-applied test of the goodness or badness of any particular law.

Before this theory was developed and applied, as Bentham and Austin developed and applied it, the test of good or bad law-making was its conformity to a supposed "law of nature" which, when you came to examine it closely, proved to be each writer's

notion of what law ought to be. The writers on natural law, of which there were several in the last century, seem to me to be like travellers to the Hartz mountains, who are fortunate enough to see what is called the Spectre of the Bröcken—that is their own shadows projected on the distant mist, and magnified enormously ; but, unlike the modern tourists, they did not find out it was their own shadows they were looking at and writing about. This is the reason why (notwithstanding Mr. Frederick Harrison's dictum to the contrary) it was necessary that Austin, having by his definition of law rigorously excluded the idea of natural law, was obliged to supply a new test of the goodness or badness of law, which test he found in the principle of general utility. Take as a case to be decided by the two methods the question : Is it desirable to establish Free Public Libraries ? I suppose that by some long process of argumentation you might deduce reasons for so doing from what you would call the "law of nature," *i. e.* your own feeling as to what was right and proper. But adopt the principle of general utility as the object and test of good legislation, and the conclusion is reached at once.

Let me now introduce you to an altogether different school of writers who are distinguished from Austin and Bentham as "historical jurists," while Bentham and Austin are called "analytical jurists." You will understand the distinction at once if we refer again to our old comparison of law in the abstract to language in the abstract. A writer on the science of language might either describe to you the nature and qualities of nouns and verbs, or he might give you their history, and those of you who are familiar with that delightful book, "Trench's Study of Words," well know how much more interesting the historical view is.

It is the same with law. To read Austin is a piece of necessary discipline. To read Sir Henry Maine's works "Ancient Law," "Village communities in the East and West," "The Early History

of Institutions," and "Early Law and Custom" (I am naming them in the order in which they were published), is to find out what an interesting study the history of the law is, and how deep are its roots in human nature and human history. If you have only time to read one of these books, that one should be "Ancient Law," the chief object of which, the author says, is "to indicate some of the earliest ideas of mankind, as they are reflected in ancient law, and to point out those ideas to modern thought." To understand what that means you might, as commercial people say, "sample" the book by reading the 9th chapter, on the "Early History of the Law of Contract." He begins by shewing you that the notion of Rousseau, and many other writers of the eighteenth century, that human society was founded on Contract, is the exact reverse of the fact. To look at human history through that theory is as though you should look at a prospect through the wrong end of your field glass—the nearest hedge would be projected into the horizon. He shews you that in the earliest times there was no such thing as a contract in the modern sense. When the idea does emerge it is mixed up and confounded with the transfer of property; whereas to a modern lawyer no two ideas are more distinct than an agreement to do a thing and actually doing it. They made their transfers of property with certain elaborate ceremonies which, if I were to describe them to you, the one idea they would call up in your minds would be "pantomime," and the same forms were used in the infancy of contracts. In the historical books of the Old Testament (which, by-the-bye are not made as useful as they might be in the study of the history of law) you find many traces of similar ceremonies, as for example, in the book of Ruth, iv., 7,—"Now this was the manner (custom) in former time in Israel concerning redeeming and concerning changing, for to confirm all things a man plucked off his shoe and gave it to his neighbour." As time went on, the exact observance of the ceremonies accompanying the engagement

was thought of greater importance than the substance of the engagement itself, and what we call "red tape" in official life, and "ceremonialism" in ecclesiastical life, obscured the essence of the matter. But gradually, and bit by bit, the true modern idea of contract, viz., that it is an enforceable engagement, constituted by the mutual consent of the contracting parties, with only such formalities as are necessary to prevent fraud and mistake, gradually emerged out of the ceremonial encumbrances. With one exception (that of the evolution of a modern minister of religion teaching moral and spiritual truth by intellectual methods, from the ancient priest, who only fulfilled the duties of a carcass butcher), I know nothing in history more interesting than the gradual development of the idea of contract as expounded in this book.

There are just three other points you will notice in reading Sir Henry Maine's books. First, that his writings always seem to *suggest* much more than they express. Next, his scrupulous fairness towards writers who, like Bentham and Austin, belong to the opposite school of juridical writers. Thirdly, you will find that he points out the weak point in the Austinian conception of law, that is, that although it may be correct as applied to a mature system of law, such as that of this country at this time, it is one-sided and untrue as applied to ancient law in that it does not recognise the great part which custom played in the early history of society, and its coercive power, which was as real, although not so formal as that of a modern Act of Parliament. Maine does not draw out this argument—he only in his suggestive way brings it constantly before you. If you want to read what can be said in favour of treating customs and morals as proper laws, you should read the first chapter of an excellent little book just published, called *Essays in Modern International Law*, by Mr. T. J. Lawrence, in which he says all that can be said against Austin's view of international law.

I am afraid you will think I have occupied your attention a long time with two writers you have probably never heard of before, viz., Austin and Maine. But it is just because they are not generally known, and because they present the two sides of legal study—one interesting to those of you fond of abstract reasoning, and the other who like best the human side of law—that I have dwelt so long on them. If you read either intelligently, I hope you will find that you have entered on a study which, at any rate, is of very great human interest, and involves very important political and social consequences.

If after those books you feel inclined to enter still further on the study of Jurisprudence, there are several other works I should recommend to your notice. The shortest of these is a very admirable work by Dr. Markby called “Elements of Law considered with reference to principles of General Jurisprudence,” in which you will find a very good account of the fundamental ideas of which I spoke just now, *e.g.*, “duty,” “obligation,” “liability,” “possession,” “sanction,” &c. Speaking of Dr. Markby—who is one of the numerous able Englishmen we have sent out to govern India—I want to point out one remarkable historical coincidence, viz. :—That it was the vast extent of the Roman empire which laid upon them the necessity of codifying their law, as it says in the introduction to Justinian’s Institutes “all nations “are governed by laws which we have either promulgated or “arranged.” So it is the vast Empire of India and the necessity of so codifying English law as to make it possible to administer it there which has produced some of our best legal writers, and is forcing the question of codification in England. The names of Sir Henry Maine, Sir Fitzjames Stephen, and of Dr. Markby himself are instances. Some of you will be surprised to learn that to these names ought to be added that of Lord Macaulay, of whose draft of the Indian Penal Code Sir J. F. Stephen says that he thinks it bids fair to be the most lasting monument of the author,

There are two works by Mr. Sheldon Amos which you may consult with advantage, "The Science of Jurisprudence," and "The Science of Law," which latter is one of the International Scientific Series. The former is more systematic, and will only be read through by a thorough student. The "Science of Law" is more popular and deals more with the relation of law to morality and government. You will also find a very good and concise view of the whole subject in Professor Holland's "Elements of Jurisprudence."

It is now time to turn from books on law in general to books on English law. On that subject the one book that everybody has heard of is the celebrated Commentaries of Sir William Blackstone (1723-1780) of which you will find two editions in the library, the third edition (the first was published in the year 1765) and the edition published in the year 1826 an edition specially valuable for the notes of the editor, Mr. Chitty. Blackstone is one of the many writers who have suffered from the swing of the critical pendulum from extravagant praise to undue depreciation. It is quite certain that he has these defects: First, like other eighteenth century writers he begins in the clouds with "the law of nature," and when he descends to municipal law his definition of it as "a rule of civil conduct prescribed by the supreme power in a state commanding what is right and prohibiting what is wrong," has been riddled through and through by Bentham and Austin. Secondly, his division into the rights of person and rights of things (as though things could have rights in the legal sense) is faulty. But the most striking feature of the Commentaries is their optimistic tone. They are the writings of a man who had found the laws and constitution of England had appreciated him, and he returned the compliment. If you look at his portrait in the National Portrait Gallery at South Kensington, you will see that he was the very type of the "John Bull" of the last century, round, comfortable and sleek, quite ready to agree with Pope

that "Whatever is, is right." Here is a wonderful extract (vol. 4, p. 92) in which he is speaking of the punishment for treason, and he says :—

"In the case of coining, which is a *treason* of a different complexion from the rest, the punishment is milder for male offenders, being only to be drawn and hanged by the neck till dead. But in treasons of every kind the punishment of women is the same, and different from that of men. For, as *the decency due to the sex forbids the exposing and publicly mangling their bodies*," (*i.e.*, by hanging, drawing, and quartering) "their sentence (which is to the full as terrible to sensation as the other) is to be drawn to the gallows, and there to be burned alive."

This horrible punishment had fallen into disuse and was abolished in favour of hanging in the year 1790, but you will agree that an author must be optimistic indeed who could imagine that to be burned alive was a tribute to the "decency due to the sex."

There is only one exception that Blackstone makes to his general eulogy on the laws of England, and that exception is the Game Laws—it has been suggested that perhaps it was because he was not much of a sportsman. Over against these admitted defects, there must in justice be set the two great excellencies of an interesting style, and a grasp of the whole subject of English law. Bentham, his earliest, and in some points his most severe critic, candidly confesses that "he it was who, first of all institutional writers, has taught jurisprudence [he should have said *law*] to speak the language of the scholar and the gentleman" [See the whole passage, Works i., 236], and his latest critic, Sir Fitzjames Stephen, in his History of Criminal Law [vol. ii., 214], says :—

"After admitting all this" (*i. e.* that Blackstone was not an accurate thinker and too much of an optimist), "however, the fact still remains that Blackstone first rescued the law of England

“from chaos. He did, and did exceedingly well, for the end
 “of the eighteenth century, what Coke tried to do, and did
 “exceedingly ill, about 150 years before; that is to say, he
 “gave an account of the law as a whole, capable of being
 “studied, not only without disgust, but with interest and profit.
 “If we except the Commentaries of Chancellor Kent, which
 “were suggested by Blackstone, I should doubt whether any
 “work intended to describe the whole of the law of any country
 “possessed anything like the same merits.”

There were twenty editions of Blackstone up to the year 1841, all of them correcting the changes which had been made by statutes and legal decisions by means of notes. The late Mr. Serjeant Stephen conceived the happy idea of editing Blackstone, incorporating the necessary alterations in the text, putting as much of Blackstone's original matter as remained in brackets, so that you have Blackstone's own words for all the unaltered law. This has preserved Blackstone's authority and usefulness to the present year, and the last and ninth edition of Stephen's Commentaries (the first being in 1841) is in the library, and is the book you ought to read. Let me mention one remarkable fact which will be evident if you compare Stephen's Blackstone with the original, and that is the extent to which the legislation of the last fifty years has gone in the direction of social improvement. Almost all the subjects mentioned in the third part of the fourth book, on “The Social Economy of the Realm,” are those of which there is either no mention at all in Blackstone, or are treated incidentally as parts of the criminal law. In Stephen you find a short account of masses of statutes relating to Savings Banks, Friendly and Building Societies, Education, Prisons and Lunatic Asylums, the Navigation Acts, the Sanitary Laws, Banks, Civil Registration of Births, Deaths, and Marriages, and many minor matters.

The quotation I last made from Sir Fitzjames Stephen reminds me to say a word about what I may call the American version of

Blackstone's Commentaries, known as "Kent's Commentaries." It is an admirable book, and valuable to the English law student because it is strong where Blackstone is weak, viz., in his short account of the Civil or Roman Law and International Law. It will also be interesting to you as giving you a clear account of the constitution of the United States. Very few law books have been written under such advantageous circumstances. Its author was Chancellor of the State of New York, known to be of exceptional ability and experience, who was obliged by law to retire at sixty. But being vigorous in mind and body, and having yet twenty years to live, he wisely and fortunately gave the world the benefit of his learning and experience.

There is another book in the library giving a general view of English law, which may be interesting to some of you, that is "Nasmyth's Institutes of English Law," in four volumes. It is a scientific arrangement of English Law, and on that account is not so popular with the legal profession as Stephen's Blackstone, which is more useful in practice.

The books I have hitherto mentioned furnish a general survey of the whole field of English law. In addition to, or perhaps instead of, this general view some of you may desire to study some one or more departments of English law. You will find in the Reference Library some books on each department, not of course the purely technical works, which are the working tools of the professional lawyer. On the important department of Criminal law, there are the three important and recent works of Sir Fitzjames Stephen, viz. : The History of the Criminal Law of England, The Digest of the Criminal law, and The Digest of the Law of Criminal Procedure. The History of the Criminal Law is not only a complete summary of that branch of legal learning, but is much more. It gives you, incidentally, most interesting details not only of other branches of English Law, but of English History. His account and

criticism of the older writers on criminal law which you will find in the library such as the works on the "Pleas of the Crown," as the criminal law was anciently termed, of Sir Edward Coke, Sir Matthew Hale, and Mr. Serjeant Hawkins.

As an illustration of the criminal law in action in the successive stages of its development, you will be led by Sir Fitzjames Stephen to read some of the State Trials which he very aptly calls "that great collection" and "The Judicial History of England." In the library you will find the book called sometimes Cobbett's, and sometimes Howell's State Trials in 34 vols. William Cobbett gave his name to the first volumes but it was really compiled by a lawyer named T. B. Howell and his son. The trials extend from that of Becket in the year 1163 (9 Henry 2nd) to those of Thistlewood and others in 1820. That lawyers and historians should be interested in this work is natural, but that it may be very interesting to persons who are neither lawyers nor historians will appear from the following extract from the "Recollections" of Miss Mitford, the authoress of that charming work "Our Village." She says (p. 320 ed. 1859):—

"Of the collected works, those I liked best, better than the
 "poets from Chaucer to Tennyson, better than the dramatists
 "from Shakespere to Talford—were those most real and
 "exciting of all dramas called trials."

And she then goes on to say how she pored over Halgrave's folio edition of the State Trials, which was a previous and inferior edition to that in the library.

A very useful edition of some of these trials enriched with valuable notes is Mr. J. Willis Bund's "Selection of cases from the State Trials." There are three volumes only published being the trials for treason. The advantage of taking a series of trials for particular breaches of the law, such as treason, is that it enables the growth of the law to be traced more easily, and not only the growth of the law but the growth of the fairness and

courtesy from the days of judges like Jeffreys and attorney generals like Coke, to the judges who tried and the counsel who prosecuted Thislewood and others for the Cato Street conspiracy. It will be a misfortune if this series is not continued. Mr. Justice Stephen points out how desirable it is that the State Trials should be continued to the present time. The only attempt I know of is a selection from the trials from 1820 to 1850, called "Modern State Trials," by the late Mr. Townsend, which you will also find in the library.

Passing to another branch of English law; that relating to landed property, I want to mention a book which I do not advise you to read, but I refer to it because people who have heard of nothing else have heard of "Coke upon Littleton." Let me tell you what Coke upon Littleton really is. Some four hundred years ago Sir Thomas Littleton (who ought to interest us a little for he was our neighbour, born at Frankley and died there, and his tomb is in Worcester Cathedral) wrote a very admirable little book called "The law of tenures." It was a little book as you will see by the old edition I have in my hand, and it laid down in a very short and neat manner the law of real property as it existed in his day. This little book had both the advantage and misfortune to be much admired by Sir Edward Coke, whom you will recollect was Chief Justice of England in the reign of James I. In the preface to his commentary on it he says:—"This book is the ornament of the Common Law, and the most perfect and absolute work that ever was written of any human science." What my Lord Coke did for Littleton was to pour over every sentence of the original work the stores of his vast legal erudition. Carlyle, speaking of some editor of letters says, that he edited them like you edit a cart load of bricks, viz., by tipping them up, and this was very much the way in which Coke piled all the decisions and dicta up to the date at which he wrote on the

simple statements of Littleton. This copious and sometimes irrelevant commentary had this one merit—it fixed the law, and in questions of real property, no one thinks of going beyond Coke on Littleton.

However useful he may be to the *law* student, he is much too technical and abstruse for the *lay* student. He ought to begin with the very admirable little work of Mr. Frederick Pollock on the Land Laws in the English Citizen series, and if after that you wish to pursue the subject then read Mr. Kenelm Digby's History of the Law of Real Property in the Clarendon Press Series. If your desire for information is not satisfied by those two works you should then read "Seeböhm's Village Community," which is specially important and valuable on the question much discussed just now of small agricultural holdings in old times. All these writers differ from Lord Coke in one important and fundamental matter—his legal horizon was bounded by the feudal system as it existed in England after the Conquest. These modern writers take a wider view and shew you how much of Roman Law mixed with and modified by Teutonic custom existed before feudalism (in Coke's sense) and survived it.

I fancy I hear you say but this is a history of the law, and not the law itself. But no branch of English law can be thoroughly understood without knowledge of its history, and real property law least of all. There are, however, two books which give the law of property as it is, which although they may be considered as young lawyers' working tools, are yet fitly placed in the library. I mean the "Principles of the law of Real Property" and "Principles of the law of Personal Property," by the late Mr. Joshua Williams. For many years past successive editions of these two excellent books have enlightened the darkness and deserved the gratitude of successive generations of law students.

There is a quaint and sometimes ludicrous part of real property law in the tenures by which lands were formerly held, for instance

the rent of six horsehoes and sixty-one hobnails, which the senior Alderman of London up to the year 1859 used to have to take to the Court of Exchequer yearly, for a place once called the Forge, in the parish of St. Clement Danes, the site of which nobody knew. Another instance in our own country was that of lands at King's Broome—on giving the King a pair of tongs every year by the hands of the Sheriff of Warwickshire. In the year 1679, one Thomas Blount collected many of these customs, and published them under the title of "Jocular Tenures." An enlarged edition of this book you will find in the library under the title of "The Tenures of Land and Customs of Manors," by W. Carew Hazlett, which you will find it entertaining to dip into.

The law of personal property naturally leads to that important branch of it which is concerned with contract. On this you will find a book by Sir William R. Anson (the Warden of All Souls), called "The Principles of the English Law of Contract." It is just what a law book for a student should be, and in reading it, I could not help wishing I could have read it in my student days, instead of the dreary collections of decisions unilluminated by anything you could call a principle, which used to be called Treatises on the Law of Contracts. There are none such in the Reference Library, or, like the Speaker of the House of Commons, I should have to "name" them, as books not to be read.

Besides criminal law, the law of real and personal property, and contracts, there is an important and extensive department of English law which used to be called "equity," but since the year 1873, when all Courts have to administer both law and equity, where necessary, it is more correct to call it that branch of legal business administered in the Chancery Division. The nature of the distinction in English law between rights at law and rights in equity are to lawyers like the genders of nouns to a Frenchman, quite familiar because they are matters of daily practice. But to the non-legal student any attempt at definition

is like the rules about French genders—the exceptions are almost as numerous as the instances of the rule. There is no reason in the nature of things why what was the Court of Chancery should not decide a case of breach of promise of marriage as well as a case of a breach of trust. But the fact was it dealt with the latter class of cases and not with the former. And if you ask why, the answer must be that the reasons were historical and not logical reasons. To understand the subject you should first read that most interesting chapter in “Maine’s Ancient Law,” “On the law of nature and equity” (chap. 3). Then the introduction to “Lord Campbell’s Lives of the Chancellors,” or “Haynes’ Outlines of Equity,” and if you wish to pursue the subject in detail the *first* volume of “Spence’s History of the equitable jurisdiction of the Court of Chancery”—the second volume is only suitable for, or interesting to the practising lawyer, but we bought both volumes for the sake of completeness. Whilst on this part of the subject it would be ungrateful not to remember a book written by a former able and active citizen of Birmingham, viz.: “The History of the Court of Chancery,” by Mr. Joseph Parkes. It was a book written “with a purpose,” that was to promote the reform of the Court which at that date (1828) was urgently needed, but it gives much historical information in a vigorous and interesting way. It would have given more, and been a standard work had the author had access to the valuable publications of the Record Commission, issued since he wrote.

We have not forgotten that it is necessary for any one reading legal books for the first time that he should have the help of good dictionaries and lexicons of technical terms. For this purpose we have provided you with the best books of that kind, both ancient and modern. The earliest is perhaps “Cowell’s Interpreter,” and is vouched by the high authority of Chancellor Kent to be a very useful interpreter of the older law writers, such as Coke on Littleton. You should be aware that in all political or constitutional

terms he wrote in much the same spirit as Dr. Johnson when in his dictionary he defined the word whig as "the name of a faction." Cowell's book was supposed to contain so many extreme monarchical notions that it was ordered by Parliament to be suppressed (see Gardiner's Hist. ii. 67). Another dictionary of old terms is Thomas Blount's, the author of the book on the Jocular Tenures of Land, to which I have before referred. Midway between the old and new dictionaries is the folio edition of Jacob's New Law Dictionary (A.D. 1750), and the revise of it known as Tomlin's Law Dictionary (1835).

Of modern law dictionaries there are four, and in order not to make invidious distinctions I will name them in alphabetical order. First, the work of Mr. Archibald Brown, which is rather a dictionary of law than of legal terms; secondly, the American Law Dictionary of Mr. John Bouvier, which is a very complete work in two volumes, and has the additional advantage of giving you the terms of American law as well as English law. There is, thirdly, another recent work, also published both in England and America—Sweet's Law Dictionary—which appears to be very accurately done; and, lastly, there is the Law Lexicon of Mr. J. J. S. Wharton, the merits of which I have tested by the use of years.

From one or other of these books you will get explanations of all the technicalities you are likely to meet with.

Now I find my time has expired, if your patience has not. Your professional knowledge, Mr. Mayor, will detect how many branches of the subject of books on Law and Jurisprudence I have left unnoticed. There are the books (which are numerous) on Roman Law—the relative merits of which require more explanation perhaps even than books on English law. Then there is the great subject of books on Legal and Constitutional History, which I have only glanced at in reference to the State Trials. but which I must, I find, now reserve for another lecture.

BIRMINGHAM REFERENCE LIBRARY LECTURES.

BOOKS ON LEGAL AND CONSTITUTIONAL HISTORY.

Ladies and Gentlemen,—As some of you attend these lectures for the first time, it will be well to say a word of explanation as to the object of them. It is recorded of the Reverend Dr. Doddridge, the eminent Nonconformist divine of the last century, that when he was at the head of the celebrated Northampton Academy, he had the habit of varying the systematic instruction of his pupils by asking them into his library and, taking down book after book from the shelves, he explained to them the merits of each book and the place it ought to take in their future reading. It is not possible for us to follow Dr. Doddridge's plan to the letter for two reasons. First—No one person, however learned, is capable of taking down all those 75,000 volumes and explaining to you the merits and defects of each. Secondly—No one student wants to know more than a few of the subjects of which these volumes treat. We have imitated the example in spirit by getting gentlemen

whose attainments in particular branches of knowledge qualify them for that special purpose to explain the books in the Reference Library on the subjects with which they are familiar. I have said *the books* on the subject, for you will please bear in mind that this is not a lecture on legal and constitutional history, but a lecture on the books you will find in the library, and which it is useful for you to read in order to learn something about legal and constitutional history, and the benefit of a lecture of this kind is that it may save you from reading the wrong books, or the right books in the wrong order. Nevertheless in talking over the books, I hope we shall learn something of the subject by the way.

This lecture is the continuation of the first of the series in which, for want of time, I had to omit almost all mention of the historical view of the subject.

The historical view of any subject has come to be recognized as of very great importance in considering its nature and tendencies. I think that when the history of the nineteenth century comes to be written it will be seen that its great characteristic has been the spirit of historical *research*. I do not mean to assert that any one work will surpass the great history of the decline and fall of the Roman Empire, which will ever mark the eighteenth century as being great in historical *literature*; but I mean that the nineteenth century, above all the centuries that have preceded it, has been distinguished by the investigation, I was going to say the ransacking, of original authorities. Emerson saw this, and expressed it clearly in those remarkable words with which his Essay on Nature begins: "Our age is retrospective. It builds the sepulchres of the fathers. It writes biographies, history, criticism." Those words were written nearly fifty years ago, and every subsequent year's experience has proved their truth. Since they were written we have brought stone books from Nineveh, and are translating for the benefit of English readers the old sacred books of the East.

What is true of general literature is still truer of our own legal and constitutional literature, because our original records are, as Lord Macaulay points out in the first chapter of his history, not merely matters of literary curiosity, but are "the title deeds on which the rights of governments and nations depend." Again, he says: "With us the precedents of the middle ages are still valid precedents, and are still cited on the gravest occasions by the most eminent statesmen," and he proceeds to illustrate this by shewing that the question of the regency in the year 1810 depended on precedents of the years 1217, 1326, 1377, 1422, and 1455.

Lest you should be alarmed by the mention of "title deeds" and "precedents" as applied to the original records of our English history, let me read you a short passage from Ruskin, who above all writers of our time has the least sympathy with mere parchment, wax, and red tape. He says "the only history worth reading is that written at the time of which it treats, the history of what was done and seen, heard out of the mouths of men who did and saw. One fresh draught of such history is worth more than a thousand volumes of abstracts, and reasonings, and suppositions, and theories; and I believe that as we get wiser we shall take little trouble about the history of nations who have left no distinct records of themselves, but spend our time only in the examination of the faithful documents which, in any period of the world, have been left, either in the form of art or literature, portraying the scenes or recording the events, which in those days were actually passing before the eye of men."

Now we in England have a collection of records and state papers which for completeness and importance have no parallel in any other country, and which as it were photograph for us many of the features of our past history. What I have just said about the present century being emphatically the century of historical research is curiously true of our national records since it was in

the year 1800 that a commission was appointed to "methodise, regulate, and digest these records." They were found lying about in all sorts of improper and unsafe places—some in the Tower of London, over a gunpowder magazine, and some in wooden stables at the back of Carlton House. It took successive commissions more than fifty years to collect them together and place them in safety in the New Record Office in Fetter Lane. Meanwhile the Record Commissioners conferred an almost equal benefit upon all students of legal history by printing and publishing a great number of the more important of these records, and it is no exaggeration to say that, thanks to their labours, you have in the library access to copies and translations of original documents which were not accessible in the last century. If you had then by good fortune and good introductions got access to these records you could not have read them. If you will refer to the second of two volumes called "Reports (1800-1819) of the Record Commissioners," you will find a number of facsimiles of the original records, and you will see they were not only in Latin, but middle-age Latin full of abbreviations, and written in handwriting which it requires an apprenticeship to make out. Now the most important of them are translated and made accessible and readable to all.

The first and most important of our national records is, of course, "The Statutes at Large," and it is curious that although on these our rights and liberties depend, there was not, until this commission began its labours, any authentic edition of them. The edition they did issue extends from Magna Charta down to the end of the reign of Queen Anne only. It is worth while to note the gradual popularization of this official literature, as evidenced even in the size of the volumes. The first Commissioners had clearly no notion that anybody would want to put their books under his arm and take them home for quiet reading; or that working men in Birmingham would ever want to consult them; so

they printed them in what is called "elephant folio," which takes one of our library tables to open it upon. Now they are issuing all the later publications in royal octavo.

To return to the Statutes at Large : It would create a smile if I were to recommend you to read them, because the popular idea is that sermons are dull, blue books are duller, but that the dullest of all things is an Act of Parliament. But Mr. Froude, who is not by any means tolerant of dullness, as those who have read his history know, some years ago published in "The Oxford Essays," 1855, a paper in which he seriously and strongly recommended that the Statute Book, or at least some selections from it, should be taken as a text-book of English history. The idea has been carried out in a book which you will find in the Library, called "Select Charters and Documents relating to English History," edited by Professor (now Bishop) Stubbs, whose Constitutional History we shall have occasion presently to mention. It is a most valuable book, and the only drawback to its usefulness is that it is intended only for students who have a competent knowledge of Latin, as many of the documents are printed only in that tongue. After another ten years of popular education, we shall have an edition with all these original documents translated into English, but even as it is you will find much that is important and interesting, and requires no knowledge of Latin to read and understand.

The introduction to the first volume of the Record Commissioners' edition of the Statutes gives some valuable and curious information as to our early legislation. In merely turning over the leaves of the first volumes you see the progress of the struggle between Latin, the language of the Church and the Clergy, and therefore of our earliest laws, and Norman-French, the language of the Norman aristocracy, and English, the language of the people. The earliest use of English in any *Parliamentary* proceeding is in the year 1362, from which date English was used in the law courts, but it was not until the

reign of Henry VII. that the Statutes were always in our mother tongue. The Statute book, however, is not altogether dull. To say nothing of its importance as reflecting the state of the morals and manners of the time, you will find in every reign instances of all the mistakes which can be made in the difficult business of legislation. You will also find some blunders which are curious. For instance, there is a Statute which is still in force called "The Parish Registers' Act," 52 Geo. 3, c. 146, prescribing the mode in which registers are to be kept. This act properly provides very severe penalties for falsifying or altering the entries in registers. These penalties were no doubt in the first instance intended to be heavy money penalties. It was provided that one-half of any penalty should be given to the informer, and the other half to the poor of the parish, if the churchwarden were the delinquent; or if the rector were the delinquent then to such charitable purpose as the Bishop should determine. But the penalty was afterwards altered to transportation for fourteen years, which by the literal construction is to be shared equally between the informer and the churchwarden !!

The two works which run parallel with and supplement the Statute Book are "The State Trials," and "The Year Books."

The State Trials I said something about in my former lecture. The Year Books are the yearly reports of the cases in the Courts of Law from the reign of Edward the Second to that of Henry the Eighth. Of these you will find the edition in folio in the library. They would be very interesting as giving you glimpses of the life and manners of the times, were it not that being in Norman-French, and full of Latin technical terms, they are difficult to read. Among the later Rolls publications are six volumes of earlier year books in octavo volumes, commencing with the year 1292, with translations on the opposite page and explanatory notes. I cannot forbear one quotation as showing how ancient is the complaint of the law's delay. It is from a case in the year

1457, where one Prissott, counsel for a defendant who wanted delay, says: "I marvel mightily that you are so hasty in this matter, for it is a mighty matter, and I have seen similar matters pending for *twelve* years, and this matter has been pending only "three-quarters of a year."

Although these original records are the basis of all sound learning on legal history, and, as Sir Francis Palgrave says, "The history of them affords the most satisfactory clue to the political history of England," you must necessarily, for want of time and leisure to do anything else, be dependent on histories which summarise the contents of our national records for you. The statutes at large and the state trials are rather materials for history than history itself, and following the order which I did when delivering my last lecture, to name first the books which contain a general view of the subject, for the best way in which you can approach any study is to get some elementary book and thoroughly master that. I wish I could tell you that there was in the Reference Library, or in any library, anything which could be fairly called a good history of English law from the beginning until now, but the fact is that that book remains to be written. The materials which have been made accessible during this century, will, I hope, enable it to be written, but the man who is to write it must be a man of very rare qualifications. He must be an accurate and learned lawyer, what used to be called a "black letter" lawyer. He must be "a man of affairs," having that wide knowledge of human business and human nature which is the key to history. And, however strange you may think it, he must possess so much of the imaginative faculty as will enable him to fuse all the minute details, verified by the continual reference to authorities which make law books dull reading, into one clear and interesting story. Until we get such a book doing for English law what Sir Henry Maine has done in his *Ancient Law* we must make the best of the substitutes we do possess. The first of these is

"Reeves' History of English Law," which was a very good book at the time it was written, but, unfortunately, a great part of it was compiled before the records of which we have been speaking had been made accessible, and it only carries down the history to the reign of Queen Elizabeth, and since then "several things have happened." The present Lord Chancellor, in a lecture he delivered some years ago, described it as "valuable but tedious," and that is what it is. The edition in the library is the last, and has the advantage of being edited by Mr. Finlaison, whose copious notes do all that notes can do to supplement the deficiencies of the text, and bring it up to our present standard of information on the subject. Mr. Finlaison's introduction to the work you should certainly read as an excellent sketch of the Roman and Saxon periods of our law.

For the earlier period of English legal history you should read "Palgrave's Rise and Progress of the English Commonwealth." The author, Sir Francis Palgrave, was one of the persons to whom we are so much indebted for the careful editing of our national records, and giving quite a new impulse to the study of legal history. No man did better work than he did in his History of the Anglo-Saxons, and the book I have just mentioned.

A very careful and accurate account of our legal history, shorter than Reeves, and yet much more complete, is to be found in a book you would never think of referring to unless you knew it, and that is the first volume of "Spence's Court of Chancery." (The second volume is concerned more with the modern law of the Court of Chancery.) It really is a very admirable work, but has one defect as a piece of literature, which is its excellence as a book of reference, viz., that of never daring to make a statement without giving you the authority in the foot-note, and that is fatal to anything like pleasant or easy reading. Nevertheless, for the purpose of giving you an accurate account of the history of our law from the Roman Conquest down to the year 1846, I do not

know a better book. His references to previous authorities are so numerous and complete, that it will introduce you to all the literature on the subject to the time it was written.

If you find, as you possibly may, that Reeves, Palgrave, and Spence are dry reading, I will here mention two books that will give you a great deal of the history of English law in a very pleasant way, namely, in the biographies of the chief persons who were concerned in its administration. I refer to Lord Campbell's "Lives of the Chancellors," and his "Lives of the Chief Justices." Both these works have been subjected to a great deal of adverse criticism as to their accuracy in biographical details, and you will find in the *Westminster Review* for April, 1854, a vigorous impeachment of their accuracy and impartiality. Many of these criticisms are fair enough, but they do not affect the merit or usefulness of the works for the purpose for which we are considering them, namely, legal history. On this matter Lord Campbell was on his own ground, and writing about what he knew thoroughly from his long career as a lawyer, ending in his becoming Chief Justice and subsequently Lord Chancellor of England, and I know no book which will make the legal history of England more interesting by connecting it with the lives of the great men who have helped to make and administer our laws.

There is another work not so interesting, but which is on matters of biographical detail more accurate, that is "Foss' Lives of the Judges," in nine volumes. Please to notice the difference between this work and the abridgment, called "Biographia Juridica," a biographical dictionary of the Judges of England. In the larger work you get a valuable summary of the changes which occurred in the Courts of Westminster, in the different reigns since the Conquest.

Now passing from the books which do, or ought to give you a general view of legal history, I will just mention five original works, written at different periods from the twelfth to the

eighteenth century, which are valuable, as shewing what was the law of England at the times they were written. Law books are now generally written by young lawyers on their promotion, for if a man writes a successful book it brings him practice. That was not the case with the books I am going to mention, which were written by persons who filled the highest judicial and political offices. For instance, in the twelfth century we have Glanville, in the thirteenth century Bracton, in the fifteenth century Sir John Fortescue, in the seventeenth century Sir Edward Coke, and in the eighteenth century Sir William Blackstone.

The first of these was written by Ranulph de Glanville, who was Chief Justiciary (not, be it noted the present kind of Chief Justice but a vice-roy or deputy king) to Henry II. The date of it is A.D. 1180, and the title a "Treatise on the laws and customs of England," and you will find a translation of it in the library by Beames. It is not a big book, and anyone who wants to know what the law of England was in the twelfth century could not do better than turn over its pages. Glanville was by no means a sedentary lawyer. He was one of the most active military and political men of his time, and finished his career by going to the Crusades and dying at the siege of Acre, and that he should have found the time and acquired the knowledge to write this book shews what a many-sided man he was. His book was just such a law-book as the Duke of Wellington would have written : short, sharp, and practical. The first sentence is an example, without a word of preface he plunged into his subject with the words "Pleas (*i.e.* legal actions) are either criminal or civil." Glanville's book will inform you what was the law and procedure of what we used to call the "Superior Courts of Westminster," But just as if we wanted to know the actual working of our present law we should have to go not only to the Royal Palace of Justice in the Strand, but to visit Assizes, Quarter and Petty Sessions and County Courts, so we want to know how justice was administered

in the country districts. A little book just published called "Pleas of the Crown for the County of Gloucester in 1221," by Mr. T. W. Maitland is on this point important and interesting. It gives you the official records of the enquiries made by the justices itinerant (the precursors of our present judges of assize) for the county of Gloucester. The records themselves are short notes in Latin, but Mr. Maitland's introduction in English sums up for you the general results. First, you find the justices are not all lawyers nor laymen for we find among them two Abbots, the Abbot of Reading and the Abbot of Evesham. Next you will find that the object of the justices was to receive from certain representatives of the "hundreds" of the county "presentments," or as we should now call them "reports" of all crimes committed in their neighbourhood. The jury had not yet become judges of fact, hearing evidence of such facts from other people, but were the witnesses themselves "presenting," or as we should say "reporting" from their own knowledge or from "information received," like a grand jury of the present day. The judges appeared to have worked very hard, and it is noted that they sat on Sundays as well as week days. Every now and then when there is an epidemic of crimes of violence we are apt to think the world is getting worse. If you read this little book you will find that the old days were not better than these, for stabbing and slaying were matters of common occurrence, and deaths by accident are also more frequent. A little later than this, in the Year Book 3c, Edward I. (A.D. 1302) we find the jury presenting a death from a kick received whilst playing at football, shewing how ancient that game is.

The next important original law book is one written about A.D. 1260, by Henry de Bracton, on the *Laws and Customs* of England (note the way in which both Glanville and Bracton put *customs* on a level with positive law). This work, which is of the utmost importance to legal history, is now accessible to you in English by

the translation of Sir Travers Twiss. Bracton was a judge but, unlike Glanville, was an ecclesiastic, learned in the civil law, and whenever he found English law silent or incomplete he imported masses of the civil law into his book as part of the law of England. That did not, however, *make* it the law of England, because England took to growing an intensely national system, and as you will find in Spence's book I. 316, a hundred years later (in Richard the Second's time) the barons protested that they would never suffer the kingdom to be governed by the Roman law, and the judges prohibited it from being cited in the Common Law Courts. The prohibition no longer exists, and citations from the civil law are now sometimes heard. You will not I suspect read Bracton, but he is so frequently referred to in legal history that you will have to consult him sometimes, and will be thankful for the help given by Sir Travers Twiss' translation. Continental scholars think much of Bracton, and only a short time ago Professor Vinogradoff, of Moscow, covered himself with glory by discovering Bracton's note book in the British Museum.

Passing over a compilation written in Norman-French a little later than Bracton, known by the name of Britton, and of which you will find an excellent translation by Mr. F. M. Nichols in the library, we come to the famous book in praise of the laws of England of Sir John Fortescue (a contemporary of Caxton, the printer), written two centuries later, viz., about A.D. 1470. This important work, which is on the border line of legal and constitutional history, was written for the instruction of the son of Henry the Sixth, who was killed after the battle of Tewkesbury, A.D. 1471. There is a famous passage in it (c. 9) as to the limitation of the kingly power even at that time, which you will find set out in the third part of the eighth chapter of "Hallam's Middle Ages," and which, written as it was by a Chief Justice of England, who for a short time held the dignity of Lord Chancellor, is of the highest authority.

About two centuries later we get another rather disjointed summary of the then law of England in the Institutes of Sir Edward Coke. Of the first Institute, Coke on Littleton (A.D. 1628), I have spoken in my former lecture. The second Institute (A.D. 1642) is a commentary on Magna Charta and other statutes. The third Institute (A.D. 1661) concerns the criminal law of that time, and the fourth Institute (A.D. 1664) is an account of various Courts. Of "Coke on Littleton" I spoke in my former lecture, but considering what an important person Coke was, not only as lawyer but as a politician, it is worth while quoting two opinions of his works, one from his earliest and the other from his latest critic. Francis Bacon in a letter, which reminds one of the game of paying a compliment and spoiling it, said, "When you wander, "as you often delight to do, you wander indeed, and give never "such satisfaction as the curious tyro [*i.e.*, inquiring student] requires. This is not caused by any natural defect, but first for "want of election, when you have a large and fruitful mind which "should not so much labor what to speak as to find what to leave "unspeaken. Rich soils are often to be weeded." The latest critic, Sir Fitzjames Stephen (History Criminal Law ii., 206), says, "A more disorderly mind than Coke's and one less gifted "with the power of analysing common words it would be "impossible to find. His divisions are all technical and pedantic, "running upon words instead of facts, and the speculative parts of "his writings are mostly puerile and often contradictory."

A century after Coke (A.D. 1765) we have the commentaries of Sir William Blackstone, the original edition of which gives us the state of the law at the beginning of the reign of George the third. This I do not again refer to, because I gave some account of it in my former lecture.

I have made special mention of these four works: Glanville, Bracton, Fortescue, and Coke, because for thorough study it is very important not always to rely on modern summaries, but to go

to original sources, and it is certainly more interesting from their old world way of putting things which amuses the mind and impresses the memory.

We will now pass on to books about Constitutional History. Let us in so passing endeavour to explain the difference between "legal" and "constitutional." The legal history of any nation is the history of how much of its customs and morals are for the time being enforced by legal penalties or punishments. Constitutional history is the history of political custom or political morality (in its old sense of habits and manners rather than in its ethical sense) outside the sphere of law properly so called. This outside sphere of custom or morality (in the old sense) is sometimes a moral right in a state of growth into a law. The growth into positive law of the principle that taxes are not to be levied except with the consent of the representatives of the people is an instance of that kind. As a *principle* it is one of the three of which Macaulay in the first chapter of his history truly states to be "so ancient that none can say when they began to exist, so potent that their natural development continued through many generations has produced the order of things under which we now live." Its first legal expression is in the Statute, or rather the Charter, called "Tallagio non concedendo" (A.D. 1297), by which Edward the First declared he would not levy taxes without the consent of his Parliament. But it is not sufficient even to embody a right in a statute unless the means of enforcing it exist, and as you all know the systematic attempts of Charles the First to evade it brought about the civil war, and since that time not only are evasions impossible, but the consent of Parliament has practically become the consent of the House of Commons only.

But "constitutional" means not only the growth of a custom or moral right into law, but also the principle that the legal rights of the Crown or of the Lords or of the Commons must be so

exercised as to work smoothly with the correlative rights of the other constitutional powers. As schoolboys say, each must "play fairly," which it is not in human nature always to do when in the long run (I speak not from a political but from the historical stand point) the Commons seem always to win the game. For instance a hundred years ago George the Third dismissed the Coalition Ministry and supported William Pitt and his cabinet in face of a hostile majority in the Commons. Now it is clearly established that whatever may be the rights of the sovereign to choose his ministers, such ministers must possess the confidence of a majority in the House of Commons or resign. Two remarkable instances have occurred within the last ten years. In January, 1874, Mr. Gladstone dissolved Parliament and found himself in a minority, and without waiting for an adverse vote he resigned the seals of office. Again in the year 1880 the late Lord Beaconsfield found himself in the same position and did the same. I might quote a much more recent and pertinent instance but to keep quite clear of current party politics, I prefer to take a non-political illustration. We are all decent people here and pay our rent I hope, but supposing that on last Bank holiday every one of our landlords had levied a distress for the rent due on Christmas Day! It would be in vain for him to say the rent was due on Christmas Day, and that the next day it was in arrear, and being in arrear he was within his legal right in distraining, and quote Coke on Littleton to us. We should say, you have exercised a legal right unfairly and without regard to the object for which the right was given *i.e.*, unconstitutionally. And if there were many such instances of such an abuse of legal powers, the powers themselves would very soon be taken away. Life would be impossible if everybody at all times and on all occasions is to exercise all his legal rights to their full extent. Especially is this the case with the complex political machine which is called The English Constitution, which only works smoothly when every part of it is moved by

that mixture of earnestness tempered with discretion which Mr. Bagehot calls "animated moderation."

Now with respect to books on Constitutional History, the first name that occurs to everyone is of course that of Hallam. The eighth chapter of "Hallam's View of the State of Europe during the Middle Ages," gives you the constitutional history of England from the earliest times down to Henry VII., and his "Constitutional History of England" carries you on from Henry VII., where the former work ends to the commencement of the reign of George III., in the year 1760. Mr. Hallam's character is as a writer like the celebrated Richard Hooker, to be called and to be "judicious." This disposition of mind, combined with the influences of the Whig society in which he lived, made him a very accurate and impartial writer, with just an inclination to consider the Whig theory of the constitution as being the ideal of perfection. Even Hallam's works would have been more accurate in some details if the materials now accessible to us only through the labours of the Record Commissioners had been published in his time.

The next work I have to mention has been written since these sources of information have been made accessible. I mean the Constitutional History of England of Professor (now Bishop) Stubbs. This does not go far enough for a complete history, for it only covers the period embraced in Hallam's Middle Ages, viz., from the earliest times to the close of the middle ages, in the reign of Henry VII. It may be described as the eighth chapter of Hallam's Middle Ages, re-written from original sources, with greater breadth and particularity of detail, and in the true historical spirit. The only defect about Professor Stubbs' work is that it is a very big book, and for those of you who have little time I shall presently recommend a shorter course. For occasional reference on particular points it is invaluable, and there is a good index.

Following the course of constitutional history, Hallam, as I have said, brings you down to the year 1760, and the work of Sir Erskine May, the chief Clerk of the House of Commons, called "The Constitutional History of England since the accession of George the Third," carries on the history from the year 1760 to 1860, and he has since published a third volume which carries you on to the year 1871. From his official position Sir Erskine May is necessarily very familiar with the parliamentary history of the time, but this is the smallest merit of the book, which is full of apposite references to all other sources of information, and is very interesting as well as accurate. As a summary of recent history you may, with advantage, read Mr. Sheldon Amos' "Fifty years of the English Constitution," which carries the history down to the general election of 1880. There is also a book which is proved to be well worth consulting by having reached a thirteenth edition, viz.: *The Rise and Progress of the English Constitution*, by Sir Edward Creasy, published in 1877.*

The books I have just enumerated give you what we might call, if we were addicted to fine language, the "objective" history of the constitution—the outward history. But there are two books well worth reading which give you the other view—the view of it as it looks from the inside—considering principally the influences which have produced it, and are now operating. Those two books are by the late Walter Bagehot, one is called "The English Constitution," and the other "Physics and Politics." The latter should be read first; it is a most interesting attempt to apply the doctrines of "natural selection" and "inheritance" to politics. The "English Constitution" is a similar attempt to show what are the

* Since this lecture was delivered Mr. William Harris (a member and former chairman of the Free Libraries Committee) has published the *History of the Radical Party in Parliament*, which is most valuable as a book of reference on the growth of constitutional rights.

living forces of the Constitution as it now works as distinguished from their outside appearance and traditional character.

Although not exactly constitutional history, one ought not to omit all mention of the work of DeLolme on the Constitution of England, of which you will find two editions in the library, each with valuable notes. The author was a Swiss lawyer, and it was very creditable to him to have written what was at the time an excellent work. Compared, however, with Bagehot's work, which shows you the forces now in operation, it is dead and lifeless.

For those of you whose time for reading is very limited, I would recommend a shorter course of reading. Begin with "The growth of the English Constitution," by Professor Freeman, an admirable summary of the early history, and then follow on with Mr. Taswell Langmead's English Constitutional History, from the Teutonic Conquest to the present time. If you have only time to read one book read that. It was written (I was going to say after my student days, but I hope those will continue as long as my life) but after I had ceased to read up that subject. Having taken occasion to look into it for the purpose of the present lecture, I have been delighted with the very clear and complete account it gives both of legal and constitutional history.

If I have not named so many books as you might expect the reason is one you will soon find out. In all questions of legal and constitutional history, where authorities are used, you refer from one book to another until you see that half-a-dozen of the chief books have introduced you to all the others.

Now, if I may, I should like to detain you a short time longer to supply an omission in my former lecture, and to render you some assistance in a matter which will very likely puzzle you in the course of your reading. The omission I refer to is this. I did not attempt to explain that peculiar feature of our legal system which caused its separation into two distinct systems called law and equity. I omitted it for the reason that one cannot understand

it at all except in relation to English History; because why you were obliged to go to Chancery for one thing and not for another is inexplicable except for historical reasons. If you try to state any rule to classify the instances you find to use my old simile it is like the rules about French genders; the exceptions are as numerous as the cases falling under the rule. Now the historical causes of this division are precisely those which have produced the present division of legislative judicial and administrative power in England. When I hear people talk about the theory of evolution as if it were confined to Mr. Darwin's investigations into the growth of animal life, I wonder that the most complete example of the theory of evolution, namely—the progress of English legal and constitutional history is so seldom referred to. The principle of evolution Mr. Herbert Spencer tells us is the progress from homogeneity to heterogeneity. If those words seem to be mere abstractions conveying no distinct image to the mind we can make them very plain by a homely illustration. Some of you began business in a small way. You had one workman who was foreman and factotum in one; or you had a youth who was both office boy and managing clerk. That was a state of homogeneity, that is to say the *same* man or youth performed *all* the duties which, when your business increases and you have many workmen or many clerks, are divided between them, and by which division is brought about what Mr. Herbert Spencer calls the state of heterogeneity. Now this progress is exactly illustrated in the gradual evolution of our present separate legislative, judicial, and administrative departments from one original body which fulfilled all three functions. Let us forget if we can for a little time all we know about the Parliament at Westminster, with the lords spiritual, and temporal, about the Cabinet, about the Palace of Justice in the Strand, about our vast administrative system with its five Secretaries of State, and carry our minds back to the King and his Council, eight centuries ago. We find

that our early Norman kings used to assemble their greater barons and churchmen three times a year. You must not suppose he met them on our modern constitutional theories of representation. No, he met them to take their advice because he could not do without their help, and it was necessary that if he was to govern at all it should be to some extent with their consent. If you want to know what this great Council of the realm was like you will find a more graphic description in the sixth of Carlyle's *Latter Day* pamphlets than in any of the books I have named. But these meetings of the great Council, three times a year, could not, you will easily understand, deal with the daily business of administration, and so there grew up quite naturally and gradually a smaller council of barons and churchmen who were constantly about the King. This Council was called the King's Court (*Curia* or *Aula Regis*), and this Court stood in the same relation to the great Council or Parliament as an Executive Committee stands to the whole of the members of any society or association. Here is the first note of heterogeneity by the separation, or, as Mr. Herbert Spencer would say, "the differentiation," of the executive from the deliberative or legislative functions of the great council.

We are not surprised to find that the next step was for the smaller council, the *Curia Regis*, to sub-divide itself for the better transaction of business. It was curious to note that the first sub-division, in its essential features, was what we should call a finance committee, and this was called the Exchequer, which from being at first merely a piece of fiscal machinery came to be a judicial tribunal and a court of law and equity. You will find in the library a book called *Madox's History of the Exchequer*, one of the few books written in the eighteenth century, with the help of recourse to the original records of which I spoke at the beginning of the lecture, and which for accuracy and usefulness still holds its ground. What the Exchequer had to do was to collect the king's revenue twice a year from the sheriffs of the various counties, and

the records of these payments on what is called the Great Rolls of the Pipe, prints of some of which you will find among the publications of the Record Commissioners, are of great antiquarian interest. Now this Finance Sub-Committee of the Exchequer was at first composed of some of the barons of the King's Court, and so to distinguish them when in the exercise of their functions were called Barons of the Exchequer. As time went on the composition of the King's Council changed. Persons who were not barons were appointed to manage the business of the Exchequer, but when appointed they continued to be called by the old title. When the Exchequer became a law court the judges of it took the old title of Barons of the Exchequer, by which all judges of that Court continued to be called until the year 1873. There are still two now surviving—Mr. Baron Huddleston and Mr. Baron Pollock, but when the survivor of these dies the "last of the Barons" will pass away, and a title which has lasted nearly eight centuries will be extinct. One other link between ancient times and our own requires to be noticed—that is the Chancellor of the Exchequer. The title of Chancellor was originally given to a much humbler kind of functionary than the Lord Chancellor or the Chancellor of the Exchequer. He was a kind of secretary, and naturally, in days when learning was confined to the clergy, was an ecclesiastic. In process of time the secretary came to perform more important functions, and when the Barons became occupied with judicial business the finances came more and more into the hands of the Chancellor of the Exchequer. The connection between the judicial tribunal and the Finance Minister continued until our own times, and up to the year 1841 the Chancellor was entitled to and did occasionally sit with the Judges in one branch of the Court.

The next sub-division of the King's Council was what was afterwards called the Court of King's Bench, so called because the proceedings were in form to be before the King himself, and

indeed some of our kings actually sat there in person. Its special function was dealing with all criminal matters (pleas of the Crown) except such minor ones as were dealt with by the local tribunals. In its earlier days it must have much more resembled a provost marshal's court than the present Queen's Bench Division.

Having provided for finance and punishment of crime (always one of the most pressing necessities of a rude age) there then remained the general litigation between subject and subject. To deal with this, another (as we should now call it) sub-committee was created, naturally consisting of persons qualified by their legal knowledge, which became the Court of Common Pleas, or as it was afterwards termed, in analogy to the King's Bench, the Common Bench.

As soon as this division of business was effected it became necessary that there should be some officer or department whose duty it was to send each kind of business to its proper division. This naturally fell into the hands of the King's Chancellor who was for centuries an ecclesiastic, and naturally so because the learning and literary ability requisite for work of that kind was almost monopolized by clerics. The office of Chancellor, like the career of many of the great men who have held it, began in a very humble way. He was at first, like the Chancellor of the Exchequer, only a kind of secretary and chaplain, and you will find in the first volume of Mr. Foss's book, p. 14, that in the time of Henry the Third his wages were "five shillings a day, a simnel (a kind of cake), two seasoned simnels, one sectary (a pint and a half) of clear wine, one sectary of household wine, one large wax candle, and forty pieces of candle." The mention of the candles shews that he had much secretarial work to do. Now, to complete the picture, you should recollect that in these early times our English kings, compared with say George the Third, were almost as nomadic as an Arabian Sheik. Much of their revenue was paid in kind, and they had to go about to receive it.

Wherever the king went the Barons of his Court and all the machinery of justice accompanied him, and of course the Chancellor went also. In the second volume of Sir Francis Palgrave's *Commonwealth*, p. ix.-xxvii, you will find a most interesting account of the disastrous consequences of this state of things to anyone who wanted justice. It begins, "These are the costs and charges which I, Richard d' Anesty, bestowed in recovering the land of William, my uncle," and it appears that it took him five years (A.D. 1158-1163), following the King's Court all round England and even into Normandy, before he could get his cause heard, and he had to borrow money from the Jews for travelling expenses at nearly 87 per cent. The inconvenience of this, as regarded litigation between subject and subject, was enormous, and, accordingly, we find it was one of the articles of the Great Charter (A.D. 1215) that the Court of "Common Pleas" should not follow the King's Court, since which it has always been stationary at Westminster, until in the year 1882 it was, with the other courts, removed to the Royal Courts of Justice in the Strand. A very curious "survival" of the times, when the King's Council was migratory, is to be found in how the salary of an official called "The Clerk of the Hanaper" was made up. This word "hanaper" meant the same as our modern word hamper, and in those early days when the Chancellor travelled he had a horse to carry his documents, with bags slung across, and, as a matter of convenience, documents relating to one class of business were put into one hamper, or "hanaper" and documents relating to another class of business were put into the other, which was distinguished as the "petty bag." These two bags developed in course of time into two permanent departments with a staff of officials to each. The chief of one staff was the Clerk of the Hanaper and of the

other the Clerk of the Petty Bag Office. The office of Clerk of the Hanaper survived until the year 1852, and his salary (exclusive of fees, which were much larger than his salary) was £98 1s. 6½d. a year, made up of various little items, of which the first two were these—

	£	s.	d.
For his ancient wages of 6d. a day for 365 days	-	-	9 2 6
For the wages of a boy under him, to keep the horse that carries the wax and parchment for the rolls and books of the Chancery, at 4½d. a day, for the same time	-	6	16 10½

so that after that horse had been dead for centuries a legal official in the year of the Great Exhibition received £6 16s. 10½d. for the wages of an imaginary boy to take care of it. There is no charge for providing the horse, which is explained by a passage in Sir Francis Palgrave's essay on the King's Council, where he cites instances such as that in the thirtieth year of Edward I., when the Abbot of Kingswood paid forty shillings for a horse to carry the rolls, and, no doubt, as the Chancellor was always an ecclesiastic, the great ecclesiastical establishments had the privilege of providing this accomodation. The mention of the rolls reminds me, to tell you in passing, that as the office of the Chancellor grew in dignity the number and variety of these rolls gradually increased, and he had to appoint a deputy to take care of them. By-and-bye the deputy delegated *his* work, and became Master of the Rolls, with clerks under him, and then, rising higher and higher, became a judicial officer of the Court of Chancery. He is still the head of the Record Office, and in that character fulfils his ancient functions of taking care of the national records.

Now, you see we have got the evolution out of the King's Council of three distinct bodies. The Exchequer, to take cognizance of the revenue; the King's Bench, with an undefined but chiefly criminal jurisdiction; and the Common Pleas, for the ordinary litigation between subject and subject; and we have got an office (afterwards called the Chancery) from which the King's

writs issued to set the King's Bench, or the Common Pleas, or the Exchequer in motion. We know what happens when you set up a department to do certain work, whether it be in your own house, or manufactory, or counting-house, or in Downing Street. By-and-bye the routine of the department becomes to the department the order of the universe, and its preservation the most sacred of duties. So it was with the Court of King's Bench and Common Pleas. They adhered to their old forms of action, and any injury which could not be stated in those forms of action was, so far as they were concerned, no injury at all. Take the commonest case as an illustration. To escape some of the burdens and restrictions of the then tenure of land, people used to convey their estates to trustees, and if the trustees betrayed their trust the courts of law would not interfere because they would not recognise the validity of such a trust. Now, either such a wrong must go unredressed, or some new court must be constituted which would give a remedy. The solution of the difficulty was found in the theory (afterwards framed perhaps to agree with the facts) that the king, as the fountain of justice, had a reserved fund of judicial authority over and beyond the particular functions he had delegated to the existing courts, and this jurisdiction gradually devolved upon the Chancellor, (who, as his chaplain and confessor, was the keeper of his conscience), to be exercised on the principles of equity and good conscience. The practical benefit was obvious in the case of a man who had undertaken to hold lands in trust and had betrayed his trust. It was a matter of conscience that he should be compelled to perform it. Apart, however, from all legal theories it was most natural that an appeal should be made to the throne for redress of any wrong which was outside the routine of the ordinary tribunals. History and romance, which in this is the shadow of history, are full of such appeals. These petitions were all referred to and dealt with by the Chancellor, who gradually grew up to be what he now is, the head of the law.

Everything that was not comprised in the jurisdiction of the other courts he dealt with, and some of the complaints he had to deal with are curious indeed. You will find an interesting book in the library (one of the Record Commissioners' publications) called "Calendars of Proceedings in Chancery in the time of Queen Elizabeth," and the preface contains a number of the earlier cases from the time of Richard II. For example, there is a case in the year 1420, of John Weston versus John Fox. Weston was guardian of one Thomas Cosyn, an infant (it was a great thing in those days to get the office of guardianship of rich heirs), and, naturally, living with his guardian, who had a daughter, Maud, of considerable attractions, he attached himself to this young lady. The ward's mother, Joan, however, did not like the young lady, so she enticed him to defendant's house "to the intent to marry the said infant," says the record, "to another woman, at the will of the said Joan and John Fox, for to have gain by the said marriage," and he goes to the Lord Chancellor to prevent that. There is a still more curious case in the year 1434, of a Cornish attorney named Henry Hogges, who prays that the Chancellor will cause the defendant, John Harry, who was a priest, to take oath to forbear arts of "enchantment, witchcraft, and sorcery," against him. Of this complaint it is difficult to say whether it is more remarkable for its belief in the power of the Chancellor, or in the efficacy of an oath. Another authority states in the year 1573 the Chancellor compelled two people to marry each other, whereas, all that the Courts of Common Law did, and do now, is to give damages for the breach of promise to marry.

Of course this assumption of authority on the part of the Chancellor naturally brought him into collision with the Courts of Law, and from the time of Richard the Second to that of James the First, a continual contest went on between the Courts of Common Law, backed in later terms by the legislature, and the Court of Chancery, backed by the King's prerogative. Gradually,

however, the contending jurisdictions agreed on a partition of judicial territory—the Court of Chancery retained all that was beneficial, and gave up compelling people to marry or restraining witchcraft, and so at last our present judicial department was finally severed by a natural and necessary evolution from the legislative and administrative functions.

Meanwhile the Great Council of the realm, of which we have said the King's Council was an Executive Committee, was gradually passing through a change equally decided and important. The archbishops and bishops, abbots and earls, thanes and knights, who, as the Saxon Chronicle tells us, attended William the Conqueror "when he bare his crown thrice a year,"—at Easter at Winchester, at Pentecost at Westminster, and at Midwinter at Gloucester, developed into our present Parliament. They did not then assemble on what we should now call "Constitutional principles," but these principles were gradually evolved out of their meetings. Two centuries had to elapse before we get the first complete Parliament of the three estates of the realm (A.D. 1295), and from the time when discussion and taxation became the two principal functions of Parliament, the third branch of political action, the administrative department was as much separated from the King's Council as the judicial department, and what remains of that Council is not a set of personal favourites, chosen by the monarch for himself, but a Cabinet of ministers chosen for him by the majority, for the time being, of the nation itself.

This is the merest outline of what you will find in the books on legal and constitutional history, and in filling up this outline at your leisure I can promise you much entertainment by the way in the glimpses you will get into old life and manners, and above all into that human nature, the sameness of which is the key to all history, and in which human nature the driest technical detail, if you trace it back to its origin, will be found to have some root.

BIRMINGHAM REFERENCE LIBRARY LECTURES.

THE GREEK AND LATIN CLASSICS.

The agreeable task which the Committee of the Birmingham Free Libraries have entrusted to me is to effect an introduction—if an introduction is needed—between the present audience and the great authors of Greece and Rome, represented by their works on the shelves of the Reference Library, to tell you something of the nature and contents of those works, and to offer advice and guidance to any among you who desire to become better acquainted with them.

I am perhaps addressing some who are already classical scholars in the ordinary acceptation of the term. To such I shall have little or nothing to say that will be new to them; such few hints as I have to give I will proceed to give at once, in order that I may not have to turn aside afterwards from the larger branch of my subject.

The chief advantages which this department of the Free Libraries offers to the student who has passed through a school or university training in Latin and Greek, are (1)

facility of reference, such as is offered in the case of Greek by the compact edition of Didot, and in Latin by the Delphin series or the Nisard collection; (2) the provision of all needful manuals of classical bibliography, from Harwood and Dibdin to Hübner and Engelmann, and of histories of Greek and Roman literature—the *Bibliotheca Graeca* and the *Bibliotheca Latina* of Fabricius, Browne's *Histories of Greek and Roman Literature*, the works of Müller and Donaldson, Mure, Mahaffy and Bernhardt (the last in German); (3) a large and increasing collection of separate annotated editions of the most important authors. This department of the library includes the works published in the *Bibliotheca Classica*, (I need say nothing in praise of Conington's *Virgil* or Paley's *Æschylus* and *Euripides*;) and a glance at the catalogue will reveal a good many other editions of well-known merit—Grant's *Ethics of Aristotle*; the *Rhetoric of Aristotle* by Cope and Sandys; the commentary of Robinson Ellis on *Catullus*; Cicero's *De Officiis* edited by Holden, the *De Natura Deorum* by Mayor, Watson's *Select Letters of Cicero*; Paley and Sandys' *Private Orations of Demosthenes*; Wickham's *Odes of Horace*; Mayor's *Juvenal*; Seeley's *Livy*, Book I, with its invaluable introduction; *Persius*, edited by Conington and Nettleship; Fennell's *Pindar*; Stallbaum's *Plato*; Jebb's *Œdipus Tyrannus* of Sophocles; Latham's *Germania* of Tacitus; Arnold's *Thucydides*, etc. For those who like to handle—and who does not?—large paper editions, with sumptuous type, there are the Latin texts which issued from the Baskerville press. Besides editions of Latin and Greek authors there are several standard works which the classical student will find specially useful—Linwood's *Lexicon to Æschylus*, Autenrieth's *Homeric Dictionary*, Prendergast's *Concordance to the Iliad*, the *Dictionarium Ionicum*, Mr.

Gladstone's works on Homer, Grote's Plato, and many others. Finally, in addition to the translations, of very varying degrees of merit, in Mr. Bohn's series, there are such standard translations as Rawlinson's Herodotus, Conington's Horace, and Jowett's Plato.

Two suggestions more I would venture to address to the classical scholar. I should like to put in a plea in favour of the old variorum editions, represented here by the Delphin Classics and some other scattered works. One is rather apt, I find, when a classical work is to be consulted, to ask what is the *latest* edition published; but those who have most to do with such reading will be, I believe, most ready to admit that the recondite notes so laboriously compiled by scholars of the last three centuries are very far from being obsolete, and that we cannot afford to put them aside in favour of the most recent edition hastily prepared for school or college use by some overwrought tutor or schoolmaster. My other suggestion is this. The ordinary course of classical reading for educational purposes is necessarily confined within a range which, while it includes the greatest authors, excludes many who, for their matter, if not for their style, deserve attention from those who desire to enter into the spirit of the Greek and Roman worlds. Many a graduate in honours at Oxford or Cambridge has never turned over the pages of Plutarch or Epictetus, of the *Noctes Atticæ* or the *Historia Naturalis*. I have heard of a distinguished scholar who was afraid even to open his Greek Testament lest he should spoil the purity of his Attic Greek. But when such fears as these are no longer before us, when we can read without the imaginary presence of an examiner, it will be, I think, well for us to allow a little more expansion. I hold with Professor Mayor that he is "in no liberal sense

a classical scholar, who does not by degrees make himself acquainted with more than the mere titles of all classical authors," or who does not in running over a page or two of a lexicon find that "he can estimate the comparative value of the authors cited, and that he knows approximately their dates and the subjects of which they treat."¹ For such occasional discursiveness in reading, the collection of the Free Libraries offers to many of us "fresh woods, and pastures new."

But let me turn from the classical scholar to him who makes no pretension to such a name, who has never learned any Latin or Greek, or whose study of those languages has never led him far enough to become acquainted with their literature. To such a hearer I have, perhaps, in the first place to justify my presence here to-night. He may have been led to think very lightly of Greek and Latin books. He has heard the famous dictum of Mr. Cobden that, to an Englishman of the present day, there is more to be learnt from a single number of the *Times* than from the whole of the historical works of Thucydides. I know that against such a prepossession Professor Conington argues in vain that the very form of Mr. Cobden's depreciation showed that he could know but little of what he was depreciating, seeing that to talk of the historical "works" of Thucydides, who left only one work, is like talking of the "poem" of Tennyson or Browning. Nor am I at all disposed to take up the position that without a knowledge of these dead languages or their literatures there can be no real literary culture. If a man must choose either Shakspeare and Milton, or Homer and Horace, I give my vote with-

¹ Bibliographical Clue to Latin Literature, by J. E. B. Mayor.

out the slightest hesitation for the English poets; but, on the other hand, if it be a choice between a little knowledge of Homer and Horace and an unprofitable reading of the *Times* advertisements and racing intelligence, or even of some of our popular novels, then I think there is a good deal to be said in favour of the ancients.

Let me run over a few of the arguments which in such a case might be quoted on their side.

The study of Greek and Latin is of use indirectly as an instrument of intellectual training, and directly as a means of acquiring knowledge. From the former point of view, on which I do not dwell here, its utility may be defended on the grounds that language being the instrument of all reason, we must, in order to reason rightly, not only understand correctly the meaning of the terms we use—and to do this it is often necessary to trace their derivation—but must also be familiar with different modes of expressing thought, and must be able to compare and analyse them, and that this faculty appears to be more readily and successfully trained by the study of an ancient than of a modern language. More important, from our present standpoint, are the advantages of an acquaintance with classical literature as a means of acquiring knowledge. The languages in which that literature is preserved, the forms of its composition, the thoughts with which it makes our minds familiar—all conspire to enhance its value. The languages are the most subtle and forcible that the world has ever known, and he who has mastered them will find the study of other languages made easy to him. Greek and Latin are also the parents of several of the living languages of Europe, and have largely enriched the vocabulary of all European speech. We English-speaking people owe to them many of the terms, not of science only, but of most ordinary

use. The Greek and Latin authors have been the models on which almost all subsequent literature has been framed, and the forms which they created or employed may be recognised where any obligation to them would be least expected and is least acknowledged. But more valuable than the language or the literary form are the thoughts which these works present to us, the truths they express, the questions they discuss, the experience they contain. The masterpieces of poetry, philosophy, oratory, history are to be studied here; we read here the minds of some of the wisest of mankind; we are lifted above the low level of our daily life; the intellectual standard is raised, the taste is purified, the judgment is corrected and matured. In every way those ages have left their mark on all that have succeeded them. We cannot destroy our relationship to them were we ever so anxious to do so. The history of Greek and Roman civilisation is the history of our own. What we have received from those past times is an inheritance which it would be foolish to disregard—foolish not to turn to the utmost account.

So far, I have been speaking of Greek and Latin together, but, for the sake of clearness, it may be well be well to make a distinction between them.

The distinctive features of the ancient Greek character, features impressed upon every page of their literature, were (1) their intellectual energy, which made them the first systematic thinkers, and has made their thoughts fruitful in the world ever since they were first uttered; (2) their inventive faculty, creating new types of expression in architecture, in sculpture, in literature, according as each type was needed; and (3) their sense of form and fitness and proportion, revealed in their books no less than in their statues or buildings, leading them to a delicate perception

and appreciation of literary style, enabling them to feel and to express subtle distinctions and shades of meaning. In this last respect Greek presents a clearness, wakefulness and flexibility, which are quite unequalled in any human speech of later times.

It is the presence—the inspiring, shaping, refining influence—of these characteristics of the Greek mind, that has given to their literature such a power and value, and must continue to make it an important factor in the education of humanity.

“We have not done,” says a recent writer, “with the Greeks yet. In spite of all the labour spent, and all the books written on them and their literature, we have not yet entered into the full possession of the inheritance bequeathed to us. . . . It is not likely that the great authors of Greece will ever become, like the Hebrew Scriptures, a text-book of daily life. . . . But they may do a great deal more for us than they have hitherto done if we will allow them. The *Gorgias* of Plato and the *Ethics* of Aristotle are more valuable than modern books on the same subjects, for the simple reason that they are nearer the beginning. They have a greater freshness, and appeal more directly to the growing mind. No age can neglect them without suffering a definite and appreciable loss, least of all the present age, for the study of the writings and the contemplation of the lives of men who sought after knowledge as after hidden treasure, . . . who observed the facts of the world around them with calm judgment, and built thereon their own lofty theories of what human life might and ought to be—‘serene creators of immortal things,’—become more and more valuable as the course of history tends to put things material

and practical in the place of things intellectual.”²

When we thus place before ourselves the originality and native force, as well as the power and beauty, of the poetry, the history, the oratory and the philosophy of the Greeks, we are at first perhaps disposed to think that, in comparison with them, the Roman writers have been over-rated, that Cicero and Horace and Virgil have had more than their due of admiration. There is no question that Roman literature is, with the single exception of satire, imitative, that it is often no more than an echo of the Greek. The Greeks were the intellectual conquerors, the Romans received from Greece a culture which they could not have originated. This disparagement, however, is not peculiar to Roman literature, but attaches to almost all the literature of modern Europe. Even in Shakspeare a classical element is perceptible enough. The form of his plays is determined by classical models; the poetic treatment and ornament are often traceable ultimately to classical authorities; the subject is sometimes drawn directly from classical sources. If this is true of Shakspeare, it is much more true of Milton and Pope, of Addison and Johnson. We have, indeed, imitated the Greeks less closely than the Romans did, for the simple reason that Roman models have also been before us for imitation. The stream which flows from the Greek fountain head may be said to have flowed till recent times through Roman channels, for the study of Greek is not more than three centuries old in Western Europe and our fathers viewed the great works of Greece through the medium of the Latin writers. “What Greece was to Rome, that Rome has been to modern Europe — the great educator, the humaniser of its barbarous conquerors, the mother of intellect, art and civilisation.”

² *Hellenica*, Essays Edited by Evelyn Abbott; Preface.

Moreover, as the literature of Greece reflects the character of the Greeks, so does the literature of Rome reflect the character of the Romans—of that wonderful empire, so strong, so pervading, so comprehensive in organisation, so masterly in administration—the source of law and order in all the nationalities that have sprung from it or have come within its reach. It has been said that a sentence of Latin prose contains a key to the Roman character, for while in Greek we trace the rhythm and grace of the palaestra and the choric dance, a Latin period possesses the directness of a Roman road and the weight and precision of a Roman legion. There is probably no language which comes near to Latin in faultless arrangement and accuracy of composition, no language which so completely satisfies the requirements of critical analysis.

There is much truth in what has been lately written—that these two languages and literatures are specially adapted to different periods of national life and thought. “Epochs of upheaval, when thought is rife, progress rapid, and tradition, political or religious, boldly examined, turn, as if by necessity, to ancient Greece for inspiration. . . . On the other hand, periods of order, when government is strong and progress restrained, recognise their prototypes in the civilisation of Rome, and their exponents in her literature. . . . Thus the two literatures wield alternate influence; the one on the side of liberty, the other on the side of government; the one as urging restless movement towards the ideal, the other as counselling steady acceptance of the real.”³

I think I may assume that among the readers in our

³ Cruttwell's *History of Roman Literature*, introduction.

Libraries there are, and will be, many, who, while they feel that they are ignorant of Latin and Greek, and have neither the time nor the energy to set to work and master those languages so far as to read the authors in their original tongues, are yet desirous of gaining some knowledge of those masterpieces of poetry and eloquence which have thus been the models of all subsequent ages. Let not such go away with the thought that their curiosity and their ambition are incapable of being gratified. They will not indeed become classical scholars, but they may easily so direct their reading as to form a popular idea of the literature of Greece and Rome. I should recommend to them, first, the excellent series of little books published under the general title of the *Introductions to the Ancient Classics for English Readers*. They should read them according to some regular method, taking, for example, first the Greek poets—Homer, Hesiod and Theognis, Æschylus, Sophocles, Euripides, Aristophanes, Pindar, and the Greek Anthology; then the historians, Herodotus, Thucydides and Xenophon; then Demosthenes, the great orator; Plato and Aristotle, the philosophers; and lastly Lucian the satirist. In a similar order the chief Latin writers may be studied—Plautus and Terence, dramatists; Lucretius, Virgil, Ovid, Catullus, Tibullus and Propertius, Horace and Juvenal, poets; Livy and Tacitus, historians; Cæsar, soldier and historian; Cicero; and the younger Pliny. If the reading of any of these awakens a desire, as I believe it will, to know more about the works there described, those works may be further studied in the translations which the Library contains; but I would recommend that as far as possible the works of the poets be studied in poetical versions rather than in the somewhat bald and frigid renderings of Mr. Bohn's series. You would get, for instance, a far

truer conception of a Greek play from Browning's Agamemnon, of Homer from Lord Derby, of Horace from Conington's two volumes, of Lucretius from Creech, than from prose versions of the same authors. In the case of the prose writers the difficulty is of course much less. Such works as Jowett's Plato, Rawlinson's Herodotus, Kennedy's Demosthenes leave little to be desired. The English reader should also seek to grasp the general course of literary activity in Greece and Italy by going from time to time to those histories of the literatures to which I have already referred; and in books like the Charicks and the Gallus of Becker, he should make himself acquainted with the outer life, the habits and customs of the Greeks and Romans.

Some perhaps may aim higher than this. They desire to get nearer to the thought of these ancient writers, to realise more fully the form of their expression of it, than a translation enables them to do. They have perhaps some slight knowledge of Latin and Greek, half-forgotten lessons of their school days, or the results of private study in maturer years; and they would like to make use of this knowledge and to increase it. Such readers should take courage from the fact that while there is indeed no royal road to a knowledge of Latin and Greek, yet they may wisely and safely discard some of those circuitous paths by which young scholars are trained in our schools. It will be remembered that I spoke of classical studies as an instrument of education as well as a source of knowledge. The former is the main use of them in school life, where we employ them as a means of cultivating the observation, of forming the taste, of strengthening the memory, of training the judgment. For these purposes the first point on which a teacher insists is a strict

enforcement of a knowledge of grammatical inflections and constructions. A second point is the writing of exercises in prose and verse on set subjects, and frequent translation from English into Latin and Greek. A third point is the learning by heart of portions of standard authors. These three points must all be attended to if we desire to train *classical scholars*, and to get out of our work the maximum of intellectual and literary culture. But a student who in later life desires—for purposes of historical or literary research, or of self-culture and intellectual enjoyment,—to gain a knowledge of the Latin and Greek authors themselves, is quite justified in pushing on more rapidly and spending as little time as possible on the gymnastics of the study. If he has already mastered a foreign language—especially an inflected language, like German—he will find no great difficulty in mastering a second or a third. Even without this advantage I have known a boy of twelve from a Public Elementary School able to make out a page of Cæsar in a few months, and that though much of his time was occupied with other studies. I have known a young lady read Euripides, with the help of a dictionary only, within three months of her first acquaintance with the Greek alphabet; and every teacher will quote similar instances. Much of course will depend upon having judicious advice and guidance at the outset of the study, but such advice is, I venture to hope, not difficult to obtain in days when the spirit of Chaucer's Clerk of Oxenford is abroad:—"And gladly wolde he lerne and gladly teche."

I need hardly say that where time and strength can be found for such a study, the reward will more than recompense the pains bestowed. We all remember the noble lines in which Keats expressed his feelings on first reading Chapman's translation of Homer. Many thousands, though

not gifted with the poetic sympathy of Keats or his powers of expression, have experienced the like feelings when they first read the Greek Homer, or the last chapters of Plato's *Phaedo*, or the Funeral Oration in the second book of *Thucydides*, or Virgil's "*Tu regere imperio populos, Romane, memento,*" or the letters which unveil the inner life of *Cicero*. These have been to them the revelation of a new world.

It may perhaps be useful to some if I here indicate what authors will, in my judgment,—and, I believe, in the judgment of most classical scholars,—best repay perusal. If you glance down the list of Greek writers in *Didot's* series, or that of the *Delphin Latin Classics*, you will see a multitude of names, from which it is evident a selection must be made. Each work has no doubt its merits; the professed classical student will, as I pointed out before, find in each something to repay him, and ought to know something of each; but no ordinary reader can attempt to read all. And such a reader may ask—should I take *Appian* or *Aristophanes*? Is *Demosthenes* or *Diodorus* to be postponed? Whom shall I choose for a first reading, and from whom may I forbear?

The classical literature of Greece in its widest sense extends over the period from *Homer* to *Musaeus*—a period of 1400 years from B.C. 900 to A.D. 500; but it is only to the early and Attic literature—that is, the literature produced before B.C. 300—that special value and interest attach. We may narrow our limits still further and say that, with the exception of the Homeric poems and *Hesiod*, the Greek authors to be selected for a first reading flourished between the Persian Wars (B.C. 490) and the death of *Alexander* (B.C. 323)—a period, it will be seen, of less than two centuries. It was during this period that the

Athenian drama reached its perfection, both in tragedy and comedy, and prose composition in history, philosophy and oratory. The period was coincident with the existence of political freedom in Greece, and after it closed Greek genius seemed to lose its *creative* power, and occupied itself only with the imitation of the beautiful forms of an earlier time. The student of Greek poetry should therefore begin with the Iliad and Odyssey, reading at the same time in Mure's History of Greek Literature a discussion of the questions relating to the Homeric poems. In an extended course Hesiod (about 700 B.C.)—who may be studied in Mr. Paley's edition—should come next. He throws much light on early Greek life, but does not take a foremost place as a poet. Then should come the three great writers of Greek tragedy — Æschylus, Sophocles and Euripides,—each, in a different way, a master in his art, Æschylus by his force and spirit, Sophocles by his grace, Euripides by his humanity. Few however will read all the plays of each. The Agamemnon of Æschylus, the Antigone of Sophocles, the Medea of Euripides, might be selected as characteristic works. Pindar is a difficult author for all but advanced scholars. His daring flights and rapid changes and varied allusions make the sense hard to follow, nor can we even conjecture what must have been the artistic beauty and effect of his odes when accompanied by the music, and sung at the festivals, for which they were composed. The great writer of Athenian comedy, Aristophanes, should be carefully studied. As a satirist he wields a lash as stinging as that of Juvenal, as a poet he charms by the sweetness of his lyric passages, and no other writer will so well enable you to realise the every-day life of Athens in things great and small. I should recommend for a first reading the Knights and the Wasps. I said that the best period

of Greek Literature ends with the close of the fourth century B.C., but I must make an exception in favour of one poet of the next century—the Sicilian pastoral poet, Theocritus. “I envy you,” says Shelley, in one of his letters, “I envy you the first reading of Theocritus. Were not the Greeks a glorious people? What is there, as Job says of the Leviathan, like unto them?”

Among the prose-writers of Greece there are two great historians — Herodotus and Thucydides, and one minor historian, Xenophon. Herodotus is often called the Father of History, and was indeed the first “artist in prose.” The earlier part of his great work traces the rise and growth of the Persian power, and with this are incorporated descriptions of Egypt, Libya, Thrace, Scythia, and other countries; the second part relates the great war between the East and the West, the Persian invasions of Greece under Darius and Xerxes. As a history his work is defective in many respects. He knows nothing of the science of politics and is silent about constitutional changes; but as a story-teller he is charming, and the last part of his work, the narrative of the struggle between Asiatic and Greek, reads like a prose poem.

The work of Thucydides treats of the causes and history of another great struggle which convulsed the whole Greek world—the war between Athens and the Peloponnese, which broke out B.C. 431, and lasted for twenty-seven years. The narrative however goes no further than B.C. 411. Thucydides has been well called “the prince of historians,” “the teacher of abstract political wisdom,” and no student of history should be ignorant of the main features and lessons of his work. It is in the following dignified words that he closes his brief preface:—

“The absence of romance in my history will perhaps

lose it the popular ear. But it will be enough if it is judged useful by those who may desire an accurate knowledge of the past as a clue to that future which, in all human probability, must repeat or resemble the past. It has been composed, not as the exploit of an hour, but as a possession for all time."

The writings of Xenophon are numerous, and comprise the well-known *Anabasis*, a history of the fortunes of the Greek army which accompanied Cyrus to the battle of Cunaxa; the *Hellenica*, a rather dull continuation of the history of Thucydides; the *Memorabilia*, or *Recollections of Socrates*; the *Education of Cyrus*; and some minor treatises.

From History we turn to Oratory, and here, though speeches of many Attic orators have come down to us, those of Demosthenes easily hold the first place. A very good idea of their general characteristics may be obtained from the brilliant essays of Lord Brougham published in the *Edinburgh Review*, but all who can should read in the original the *Speech on the Crown* and that against *Meidias*.

To one who wishes to dip into Plato I should recommend first the *Protagoras*, as giving an insight into the Socratic and Platonic methods generally, then the *Phaedo*—the great discourse on the immortality of the soul—the *Phaedrus*, and the *Republic*, or *Ideal State*; but there is not a single dialogue which will not well repay perusal.

Aristotle, like Bacon, chose for his province all human knowledge as it then was, defining the bounds of each science successively, and describing its functions and its methods. His *Rhetoric*, *Poetry*, *Ethics* and *Politics* are the works, or rather the parts of his work, (for it forms one continuous whole,) most often read, but some will turn

with interest to his contributions to biology and natural history. How wide and lasting an influence the writings of Aristotle have had on all western learning may be illustrated by the fact that all our common terms of mental and moral science — “faculty,” “final cause,” “habit,” “motive,” and the like—are directly derived from him.

It is probably not necessary that I should enter at equal length into an account of the great Latin authors. The golden age of Latin literature was from B.C. 80 to A.D. 14, and the highest excellence in prose was reached during the earlier part of this period by Cicero and Cæsar, the highest excellence in verse during the later part by Horace and Virgil. It is noted that the former were men actively engaged in the business of the state and finding in literary composition a relief from the cares of public life, the latter belonged to a literary class, encouraged and supported by the Emperor Augustus and by other wealthy patrons. Two celebrated poets, Lucretius and Catullus, were indeed contemporaries of Cicero; the poems of both show abundance of vigour, but they lack the artistic beauty and finish of their successors. Prose on the other hand deteriorated in the Augustan period. It lost its simplicity and directness, and became more poetical and rhetorical. This is true even of Livy, whose style, beautiful as it is, exhibits some of the faults which we afterwards see exaggerated in the style of Tacitus, the greatest prose-writer of the silver age. The end of the first century of our era produced the greatest Roman writer of Satire, Juvenal.

The Latin poets, with the exception of the dramatists, Plautus and Terence, will be found collected in the *Corpus Poetarum Latinorum*. One or two plays of Plautus should be read; the *Captivi* and the *Aulularia* are perhaps the best. The great poem of Lucretius on the Epicurean

philosophy should be studied in Mr. Munro's invaluable edition. Virgil's *Æneid*, the adventures of the mythical founder of Rome, his *Georgics*, a didactic poem on husbandry, and his *Eclogues*, pastoral poems in imitation of Theocritus, are all admirable. In Horace the *Odes* and *Epodes* should first be studied; the *Satires* and *Epistles* are pleasant gossip, and throw much light on the every-day life of Rome. But in *Satire* proper Juvenal has served as a model to all succeeding writers.

Of Latin prose-writers the most important are Cicero, Livy and Tacitus. The orations of Cicero are well edited in the *Bibliotheca Classica*; of his ethical writings the *De Officiis* is the most important; but he who wishes to know Cicero himself, and to place himself in the position of one of the foremost men of Rome in its greatest age, will not overlook the delightful collections of his letters to Atticus and to his other friends. Schoolboys rejoice that out of the hundred and fifty books of which Livy's history once consisted (we have an epitome of 142) only thirty entire books and parts of five others have come down to us. The rest are probably for ever lost. The first ten books, containing the early history of the Republic, and the 21st and 22nd books, on the second Punic War, are the most interesting. Tacitus has left in his *Annals* and *Histories* (the latter is imperfect) a graphic narrative of the condition of the Roman empire from the death of Augustus to the time of Trajan. The vividness of his portraits of men and descriptions of events has scarcely been exceeded, but the subject is a most painful one, and the reader turns with a sense of relief to his lighter works—the *Agricola*, a biography of his father-in-law, and the *Germania*, an account of the several German tribes and their country.

I have been brief, but I fear I have also been tedious,

in this enumeration of the chief writers of Greece and Rome. A crowd of lesser stars those will soon discover for themselves who will turn their eyes to the Greek and Roman heavens. I have forborne to indulge my own predilections by dwelling on the delights of such a course of reading as I have recommended; but I may perhaps be permitted, in conclusion, to justify my presumption in having kept you so long, and to enforce the value of the Greek and Latin Classics, by a quotation from a writer who bears the honoured name of Coleridge:—

“I am not one whose lot it has been to grow old in literary retirement, devoted to classical studies with an exclusiveness which might lead to an overweening estimate of these two noble languages. Few, I will not say evil, were the days allowed to me for such pursuits; and I was constrained, still young and an unripe scholar, to forego them for the duties of an active and laborious profession. They are now amusements only, however delightful and improving. Far am I from assuming to understand all their riches, all their beauty, or all their power; yet I can profoundly feel their immeasurable superiority in many important respects to all we call modern; and I would fain think that there are many even among my younger readers who can now, or will hereafter, sympathise with the expression of my ardent admiration. Greek—the shrine of the genius of the old world; as universal as our race, as individual as ourselves; of infinite flexibility, of indefatigable strength; with the complication and the distinctness of nature herself; to which nothing was vulgar, from which nothing was excluded; speaking to the ear like Italian, speaking to the mind like English; with words like pictures, with words like the gossamer film of the summer; at once the variety and the picturesqueness of Homer, the gloom and the intensity of Æschylus; not

compressed to the closest by Thucydides, not fathomed to the bottom by Plato, not sounding with all its thunders, nor lit up with all its ardours even under the Promethean touch of Demosthenes! And Latin—the voice of empire and of war, of law and of the state; inferior to its half-parent and rival in the embodying of passion and in the distinguishing of thought, but equal to it in sustaining the measured march of history, and superior to it in the indignant declamation of moral satire; stamped with the mark of an imperial and despotizing republic; rigid in its construction, parsimonious in its synonymes; reluctantly yielding to the flowery yoke of Horace, although opening glimpses of Greek-like splendour in the occasional inspirations of Lucretius; proved, indeed, to the uttermost by Cicero, and by him found wanting; yet majestic in its bareness, impressive in its conciseness; the true language of history, instinct with the spirit of nations, and not with the passions of individuals; breathing the maxims of the world, and not the tenets of the schools; one and uniform in its air and spirit, whether touched by the stern and haughty Sallust, by the open and discursive Livy, by the reserved and thoughtful Tacitus.

These inestimable advantages, which no modern skill can wholly counterpoise, are known and felt by the scholar alone. He has not failed, in the sweet and silent studies of his youth, to drink deep at those sacred fountains of all that is just and beautiful in human language. The thoughts and the words of the master-spirits of Greece and of Rome are inseparably blended in his memory; a sense of their marvellous harmonies, their exquisite fitness, their consummate polish, has sunken for ever in his heart, and thence throws out light and fragrance upon the gloom and the annoyances of his maturer years. No avocations

of professional labour will make him abandon their wholesome study; in the midst of a thousand cares he will find an hour to recur to his boyish lessons—to re-peruse them in the pleasurable consciousness of old associations, and in the clearness of manly judgment, and to apply them to himself and to the world with superior profit. The more extended his sphere of learning in the literature of modern Europe, the more deeply, though the more wisely, will he reverence that of classical antiquity: and in declining age, when the appetite for magazines and reviews, and the ten-times repeated trash of the day, has failed, he will retire, as it were, within a circle of school-fellow friends, and end his secular studies, as he began them, with his Homer, his Horace, and his Shakspeare.” *

* Introductions to the study of the Greek Classic Poets, by H. N. Coleridge, pp. 24-26.



BIRMINGHAM REFERENCE LIBRARY

LECTURES.

BOOKS ON SHAKESPEARE.

"The Books of the Shakespeare Library" are so well known to all visitors to the Reference Library, of which they form so important and attractive a part, that it has been thought necessary to give some account of so remarkable a collection. The "Shakespeare Memorial Library" was founded in 1864, as one of the Tercentenary Memorials of Shakespeare's Birth, in 1564. The original room, and nearly the whole of the collection of over 7000 volumes, were destroyed by the disastrous fire in 1879; but the room and the collection have been more than replaced by the present Library, on which the late John Henry Chamberlain lavished the resources of his genius and taste to provide a shrine worthy of the treasures it was to contain, and of the memory of the "greatest name in our literature, the greatest name in all literature." Our late friend was from the first one of the most earnest and valued supporters of the Library, and one of its Honorary Secretaries, till his lamented death; and his brilliant and original addresses on the

anniversaries of Shakespeare's birthday, will ever be remembered by all who had the pleasure of hearing them. From the very beginning he took a warm and hearty interest in the formation of the Library, and must ever be regarded as one of its founders, whose devotion and interest ceased only with his sad and untimely death, in the full maturity of his intellectual and social powers.

The Shakespeare Library at the end of 1884 contained 6734 volumes, which have thus nearly replaced those lost by the fire as to number, while as to importance and value, they very far exceed those which had been collected between 1864 and 1879. Of these books, the English (including 228 editions of the complete works of Shakespeare) form 3887 vols.; German 1847; French 492; Italian 147; Russian 62; Dutch 85; Hungarian 45; Spanish 31; Swedish 32; Danish 29; Polish 22; Bohemian 20; Greek 14; Finnic 7; Icelandic 5; Portuguese 5; Croatian 2; Friesic 2; Hebrew 2; Latin 2; Flemish 1; Roumanian 1; Roumelian 1; Swedish 1; Ukraine 1; Wallachian 1; and Welsh 1—a polyglot collection not surpassed, or even equalled, by the translations of the "Pilgrim's Progress," or "Robinson Crusoe," and only surpassed by the translations of the English Bible into foreign tongues.

So large and varied a collection cannot be described in detail, even if all of us were familiar with the Friesic, or well up in Ukraine tongues; and very few of us could do full justice to a Hebrew, Greek, or Wallachian version of one of Shakespeare's plays. The whole collection may, however, be classed and described under various headings, as a guide to those who want to study Shakespeare carefully, as well as to those who are looking only for some special portion of the literature which has grown up around his works during the past century, or century and a half.

The mass of Shakespeare literature is like the circle of the sciences, every part connected with and depending on or

illustrating another, for in the physical sciences it is difficult to know where to begin, and it is still more difficult to know where we shall end—or rather, where we shall be led—for there is *no* end. Circle spreads over circle, and “hills peep o’er hills, and Alps on Alps arise,” as the student follows his subject, and sees the great circle of knowledge ever extending around him. If we begin with the flower in the field, or the pebble on the road, and follow in the ever kindly light of knowledge, we find that botany, and chemistry, and geology, and mechanics, and astronomy must sooner or later be called in to help us to understand the mysteries of this wondrous world. Still more when we study the life of man, the character of people, the strange influences and changes of social and individual life, reflected in such a mirror as Shakespeare held up to nature, we feel that all the realms of knowledge must sooner or later be explored to fathom the mysteries which surround us. If we approach Shakespeare merely from the literary side, we are led to look into all the literature before and since his time, the history of our language, the changes of words, the growth of phrases, the lapse or decay of terms. Still more if we try to sound the depths of his knowledge of man, to realize his wondrous power of insight and description, to study the characters he has created or developed—whether imaginary or historical—we find ourselves on the great ocean of knowledge, ever restless, boundless, still unexplored, and lighted only by the flashes of his genius over the dark profound.

As Shakespeare took no care of his works there is no authoritative edition to which we can appeal. He wrote for the stage, and was content to do so. He does not seem to have dreamed of his future literary fame, but yet, like Bacon, he may have sometimes felt that he might “leave his name and fame to foreign countries, and to his own after some time be passed away.” In

1623—seven years after his death—the famous First Folio was printed by his friends, Heminge and Condell, who incidentally refer to his “papers as having no blot,” but it is very doubtful if they had his own MS. copies to print from, and it is quite certain that they often used the “divers stol’n and surreptitious copies,” which they denounced in their Preface. Probably, almost certainly, they printed from play-house copies—prompter’s copies, in fact—and did not take much trouble to provide or secure any trustworthy “text.” Still, the world owes them a debt beyond all power of payment, for they found and preserved no less than eleven of his greatest dramas of which no other copies have been found. Without their care “The Tempest,” “Macbeth,” “Twelfth Night,” “Measure for Measure,” “Coriolanus,” “Julius Cæsar,” “Timon of Athens,” “Anthony and Cleopatra,” “Cymbeline,” “As You Like It,” and “The Winter’s Tale,” would have been wholly lost—a loss to the literature of the world which we can scarcely dare to think of now. The other plays in the First Folio appeared in quarto forms, many during Shakespeare’s life, and evidently without his authority; but, as they often contain magnificent scenes and lines which the Folio omits, they have always a rare literary value in settling a “text,” and from their rarity their money value is enormous. The Folio of 1623 is thus the great, but not undisputed, authority for all, and the sole authority for eleven of these plays; and our Library contains a very fine copy—intended only for occasional reference, and far too costly for general use. Various copies, more or less exact, are available, such as the reprint by Wright, in 1807, in which, however, there are some hundreds of errors, more or less important; but the Staunton fac-simile, by a photo process, in 1866, is an exact representation of a very fine copy, and only the f’s and long f’s are in any way doubtful. The Booth reprint, in 1864, so carefully and accurately “read,” by the late Charles Wright, is handier and quite as useful; while the smaller (8vo) fac-simile by Mr.

Halliwell-Phillipps, in 1876, is a most handy, correct, valuable book—a perfect copy of the Folio in an 8vo size. The Second Folio (1632), the Third (1664), and the Fourth (1685), are more or less accurate reprints—often with additional errors—of the First Folio; and the Fourth Folio has seven plays attributed to Shakespeare, with very little reason; and our Library now has all the four editions.

The original quartos are far too costly to be included in our Library, which has only the Henry V., of 1608; the Henry VI. (the Whole Contention of the Two Famous Houses, Lancaster and York), of 1619; and the very rare Tragedy of Locrine (1595), assigned to Shakespeare, and of rare and curious value. A quarto of King Lear (1655) is remarkable as a reprint of the Commonwealth period, and a Richard III. (1634) as a rare edition of some note. If, however, we have not the original quartos, our Library now includes the splendid series of hand *fac-simile* copies by Mr. Ashbee, which Mr. Halliwell-Phillipps issued in 48 vols., and in so limited an issue that probably not twenty complete sets are now to be found. The new and cheaper series of photo *fac-similes*, by Griggs (which Mr. Quaritch is now publishing) will, when completed, be a most valuable and useful set for reference; and thus the students may now see in the Halliwell, and may purchase in the Griggs set, exact copies of the famous quartos, which, if an original set could be completed for sale, would be worth thousands of pounds.

After these original copies, the editions are almost innumerable—certainly undescribable. Of the 228 in our Library a very large number have some special claim to notice, but we can refer to only a few. For critical analysis and text-forming purposes the “Variorum edition of 1821,” in 21 vols., remains unrivalled. It gives a very full history of the drama and the stage, of actors and plays, of editions

and readings, with endless notes on difficulties of text, meanings of words, &c., and is therefore indispensable to critical readers. The "Cambridge Shakespeare" (now out of print, but of which a new edition is preparing) was published 1863-66 by Clark and Wright, and is valuable because it gives in the briefest form every known "emendation" of the "text" down to date, and thus enables the reader to decide for himself which is the best "guess" (for they are simply "guesses") as to the original word which Shakespeare used. The enormous labour of compiling such a work will be fully understood by all who consult its pages, and, next to the "Variorum," it is the great book of reference as to the emendations in Shakespeare's text. A still more remarkable and valuable work is the "American Variorum" edition, by Dr. Horace Howard Furness, of Philadelphia, of which five volumes have appeared. This edition not only includes the "Variorum" and "Cambridge" notes but gives in full detail those of later date, and especially a vast mass of facts and criticism from English and German sources as to the origin and history of each play. Two volumes are given to "Hamlet," and one to "Romeo and Juliet," "Lear," and "Macbeth." The work is a monument of loving labour without a hope of reward, except the consciousness of giving some honour to Shakespeare's memory by thus collecting all that is known about his works, and as each volume is complete in itself, this "American Variorum" ranks as one of the most important additions made to Shakespearean critical literature for many years.

Besides the purely critical editions there are many of a popular order which combine criticism with description, and among these none is more worthy of praise than the "Pictorial Edition" of Shakespeare, edited by Charles Knight, some forty years ago, and afterwards re-issued in 8vo

volumes as the "National Edition" with some differences. While following the text of the Folio, this edition gives great attention to history, manners, and customs too, giving the music to the songs and engravings of dresses and views of scenes. For any ordinary intelligent reader, probably no better edition could be found. The three vols. of "Staunton's Shakespeare" are valuable for the original notes and comments, and illustrations and emendations, which Mr. Staunton's large knowledge of English literature enabled him to give, not only in the three volume form, with Gilbert's illustrations, but in the four volume "Library Edition," which will be found to be most useful and valuable to readers and students. Among other editions, more or less critical and popular in form, are the two editions by the late John Payne Collier, the late Samuel Weller Singer, and the late Rev. Alexander Dyce, each being remarkable for a careful collation of originals to make a text, for a learned illustration of obscure words and passages, and for general notes concerning the drama and the stage.

The most noteworthy of all the Shakespearean works of our time, although not so generally known as it deserves to be, is Mr. J. O. Halliwell-Phillipps's magnificent Folio Edition of Shakespeare, in 16 vols. This great work includes the results of the labours of a life devoted to Shakespearean and Elizabethan literature. Every known or possible source of information has been diligently searched for facts, and the result has been the collection of a mass of material wholly unrivalled about Shakespeare and his works, and times. Fac-similes of old MSS., extracts from old books, illustrations and plans of old buildings, are given profusely, and the work will ever be regarded as the great storehouse of Shakespearean lore. Across the Atlantic too,

our American Shakespereans have sent us various and valuable editions of Shakespeare. One of the earliest of American Shakespereans, the late Mr. Richard Grant White, in his "Shakespeare's Scholar," called attention to Shakespeare, and set an example which has been largely followed by learned and able comments. His great edition some twenty years ago is not readily accessible, but he has just published the result of his later studies in a handy three-volume edition, which gives on every page useful notes, and each play is well prefaced by a sketch of its origin and development, and a careful life of Shakespeare opens the work. The Rev. H. M. Hudson's edition is also useful to general readers for its generally excellent text and useful notes. Mr. Rolfe's edition of the separate plays, in a handy and handsome form, with good introduction and notes, will also be found very useful to ordinary readers. The Rolfe Series endeavours to combine critical and æsthetical notes, to illustrate history as well as text, and has attained great popularity thereby.

Our other English editions are too numerous to be named, and only a few can be referred to. Those, especially the "Leopold Shakespeare," edited by Dr. Furnivall, from Professor Delius's text, have many advantages. The "Globe Edition" also, in one volume has the advantage of the numbering of scenes and lines, so that reference is easy, and thus this edition is frequently referred to by critics and authors. Another work, rather absurdly called the "Howard Shakespeare," because it has some reduced copies of Frank Howard's sketches, is really a valuable handbook, for it has a column-index of scenes, useful notes, list of editions, glossary, &c., so as to be a very complete and handy book.

One class of books in our Library deserves special mention as the series of keys which open all the rest. Ayscough's

edition of course we have with its third volume an Index to words and phrases; and Beckett's Concordance also, but that has long ago been superseded by Mrs. Cowden Clarke's "Concordance to Shakespeare's Plays"—a work of wonderful and minute care, and real labour of love for more than eleven years. How useful, how indispensable this volume has become everybody knows—especially those who want a quotation from Shakespeare for any special purpose. It would be difficult, if not impossible, to find an error in this remarkable reference-book, and Mrs. Cowden Clarke will ever live in the grateful memory of all Shakespereans through this famous work. Her volume, however, did not include the "Poems," but an Index to every word of these was issued in 1864 by Mrs. H. H. Furness, of Philadelphia, whose lamented death will be mourned by all Shakespereans, who know how much she had done for literature by her help and care in her husband's work. Such labours have no great reward, but will ever be honoured by all who appreciate such works. "A Key to Shakespeare's Plays," also by Mrs. Cowden Clarke, is not so well known as it deserves, but it is the combined work of her late worthy husband and herself, and it gives under various headings references to Shakespeare, and extracts which are of very remarkable interest. Not less noteworthy is the "Shakespeare-Lexicon," in two vols., by Dr. Alexander Schmidt, certainly one of the most wonderful works ever produced. It is not only a sort of Concordance to nearly every word, but every word is subdivided under all its meanings, and under each of these meanings a reference is given to that particular use of the word wherever it occurs in the plays. Very few Englishmen would have taken the trouble, and perhaps few would have critical knowledge enough to distinguish and to measure all shades of meaning, and still fewer would take the trouble to compile such a Lexicon

as this of Dr. Schmidt, which is one of the most learned, accurate, and valuable works of our day.

The Illustrations of Shakespeare, the books about him, and his life and times, are far too numerous to allow more than a passing glance. So little is known of the facts of his life that, *therefore*, the literature of this class is enormous. It has been said that all we know of Shakespeare personally "might be written on the thumb-nail," but modern researches have shown that this is in no sense true. The researches of Dr. J. O. Halliwell-Phillipps alone, during the past thirty or forty years of a life devoted to such labours, have unearthed a mass of facts illustrating the poet's life, from old MSS. and casual references. It must always be borne in mind that all the actual writing of Shakespeare which has survived is limited to five signatures to legal documents (genuine beyond all question), and one doubtful signature in a volume of Montaigne, which is believed to have belonged to him. One letter addressed to him, but which possibly he never saw, is the only other relic of all he wrote or received. Early in the last century some traditions were put in print, and in our own century various references to him have been discovered, all are more or less legal and business-like, but no literary papers have been found, and very little hope remains. The best popular Life of Shakespeare, largely imaginative and inferential, is the "William Shakespeare: a Biography," by Charles Knight, in which all the local incidents in his London and Stratford life are made out from collateral evidence with great literary skill. The best of the unimaginative biographies is that of Mr. Halliwell-Phillipps, first published in 1848, and largely illustrated with fac-similes and woodcuts. This has long been out of print, but recently the author, under the modest title of "Outlines of the Life of Shakespeare," has re-collected and discovered facts and

contemporary references, and in the fourth edition, lately published, has given to literature the Life of Shakespeare divested of all guesses and inferences, and strictly limited to authenticated facts. Major Walter's volume, published a few years ago, also gave a very good account of Shakespeare and his life at Stratford, and a recent volume, by Mr. Sidney L. Lee, on "Shakespeare and Stratford-on Avon, from the earliest times to the death of Shakespeare," contains much useful and valuable information. A folio volume of 1864, "A Tercentenary Memorial," borrowing narrative and illustrations from Dr. Halliwell-Phillips and other sources, also gives a very important series of facts about Shakespeare and his works and times.

The most extraordinary and valuable collection of facts about Shakespeare and the drama of his day is to be found in our exceptionally fine collection of Halliwell Re-prints of rare and curious documents and pamphlets of the Shakespearean age. This remarkable collection is more nearly complete than any other known, since many of the reprints were limited to ten or twenty copies, and can very rarely be found. From the sixteen volumes of the Folio Life and Works, down to these re-prints of some cheap book, or letters of the day, or copies of registers and controversial pamphlets, the earnest and industrious student may find in our Library a mass of most valuable material.

Another special source of information of this class is to be found in the numerous issues of the Shakespeare Society and of the New Shakespeare Society, including special papers on all sorts of subjects, and re-prints of rare works, illustrating the origin, history, and progress of the drama and the stage. Still more remarkable in its long series of nineteen yearly volumes is the "Jahrbuch" of the Weimar Shakespeare Society, in which will be found

a wonderful series of papers by the best of the German Shakespeareans, on every point and detail, which turns up in the study of Shakespeare and the drama generally. Still more remarkable is an example of the plodding perseverance of our German Shakespereans in the Bibliography which has been compiled for some ten years, by Mr. Albert Cohn, of Berlin, and in which the Shakesperean publications in all the languages in Europe, down even to the brief articles in the English and American newspapers, are patiently noted and described. These literary references to Shakespeare form the most remarkable literary monument to genius and influence which any author has ever yet attained.

Another of this class of works, but of more general interest and value, is Mr. H. G. Bohn's "Bibliography of Shakespeare," which formed part of his re-print of Lowndes, and which gives an amazing amount of detail about all the editions of Shakespeare's works, with collations, prices, &c., and which, up to 1864, is almost perfect in completeness, and really indispensable to all who want to know all the literary history of Shakespeare and his works, and the books they have produced. Another very valuable handbook is the "Shakespeare in Germany," by Mr. F. Thimm, in which a large amount of useful information is given in a convenient form.

The portraits of Shakespeare have almost a literature of their own, *valeat quantum*. Our great fire deprived us of some 250 portraits of the poet, but none of them were of very great value, and most of them have since been replaced. While at least 30 portraits have been put forward as genuine there can be no doubt that there are only two which have any fair claim to be regarded as authentic—the engraving by Droeshout, in the First Folio, and the bust in Stratford Church. Even the famous Chandos portrait

in our National Portrait Gallery, has a doubtful pedigree, and the best judges doubt if it can be regarded as a genuine likeness. Boaden's volume on the portraits gives some useful facts; Wivell's original volume (1827) gives good engravings of the numerous "claimants;" Friswell's "Life-Portraits of Shakespeare" (1864) criticises and discusses all then known; and Mr. J. Parker Norris, of Philadelphia, has recently written a most valuable series of papers on the Shakespeare Portraits in the American magazine, "Shakespeareana," which he has issued in a handsome volume, fully illustrated, and greatly enlarged, and has generously given a copy to our Library.

Another series of books connected with the work of Shakespeare, and throwing much light on the materials he used and the use he made of them, is to be found in the works which he certainly read. Among these are the contemporary editions (1595 and 1603) of Plutarch's Lives, from which many of the facts of the Roman plays were taken, and our Library also contains the fac-simile re-print, with bibliography and illustrations, which Prof. Dr. F. A. Leo gave us a few years ago. We have also the 1596 edition of the rare and curious volume, "The Orator," by A. Silwayne, containing the original story of the "pound of flesh," which is used in the Shylock scene in the "Merchant of Venice," and also the Essays of Montaigne (1632) in which the famous lines of Gonzalo, in "The Tempest," first appeared.

German scholarship and love of Shakespeare are well represented by 56 editions of the complete plays, by 359 volumes of separate plays and poems, and by 895 volumes of general illustrations. The "Jahrbuch" has already been mentioned as giving in its nineteen volumes the ripest of German studies of Shakespeare, and the Weimar Society

has enriched our Library with some hundreds of volumes of translations and essays also. The miscellaneous books about Shakespeare are far too numerous and too varied to be described or named. They include volumes looking at Shakespeare from all points of view. Some endeavour to show that he was a member of the Reformed Church of England, some contend that he was a Roman Catholic, some claim him as a Freethinker, but all these enquiries result in the conclusion that he treated all his subjects and described all his people from a broad general view of human life, and did justice to all and injustice to none.

Other volumes essay to show that he had mastered all the knowledge of his time, and had even anticipated some of the knowledge of later days: that he had not only mastered knowledge generally, but that he understood details which are even now known only to experts; that he had a special knowledge of lunacy and understood the best treatment of the insane; that he was an excellent psychologist, and knew all the complex developments of character and thought. Many volumes are devoted to show that his legal knowledge was extensive, and his accuracy in the use of law phrases very remarkable, as the work of Lord Campbell and the numerous works of Mr. Rushton show in full detail. His knowledge as well as his love of country life, of flowers and fruits, and of "Garden Craft" and "Plant Lore," are shown in the volumes of Beisley, Grindon, Ellacombe, and others, and the latter author has endeavoured, but not very successfully, to show "Shakespeare As An Angler." A knowledge of natural history as well as a close personal observation of the habits of birds and beasts is proved by Patterson's "Natural History," Harting's "Ornithology," and Miss Phipson's "Animal-Lore of Shakespeare." Critics have doubted whether Shakespeare ever left England, but C. A. Brown

made out an excellent case that the poet must have visited Italy; Mr. W. J. Thoms that he was probably with Lord Leicester in the Low Countries; while others have shown, from "The Tempest," and other plays, that he must have been a good sailor because he was so familiar with sea-phrases and the proper management of ships. Others have called special attention to his skill as a stage-manager and a dramatist, as shown in nearly all his plays, and little doubt can be felt that he who wrote Hamlet's Advice to the Players might, or should have been the chief actor of his time. All these, and scores of other details, strongly show that Shakespeare must have been "not one, but all mankind's epitome," beyond the rivalry of his own and even of later days.

As a real Shakespeare Library must include all sorts of works,—good, indifferent, bad, and worse—our shelves also contain numerous examples of the latest "craze." Some years ago this "craze" began, and now it has culminated in a society to show that Shakespeare was somebody else! Mr. W. H. Smith (of London), some twenty years ago, began to doubt; Lord Palmerston became a disciple; Judge Holmes, in New York, and Delia Bacon, and sundry others, declared and proved (to their own satisfaction) that Francis Bacon really wrote Shakespeare's Plays, and that Ben Jonson was the "go-between" in the fraud. Very recently a society has been started in London to investigate (and to prove) that Bacon was the author of the Plays; and an American author recently retorted by proving that Shakespeare wrote Bacon's works! The latest news is that Professor Abigail Southdown, of Boston, has proved that Shakespeare was a woman; and the Hon. Ignatius Donnelly is engaged in showing by a strange cypher in Henry VI., that the secret is contained there in perfectly clear words, as well as Bacon's private opinion of Queen Elizabeth, which is *not* flattering! Whether these

Baconians are right or wrong, most of their works are on our shelves, and for the benefit of those who have nothing better to do, there is Mr. W. H. Wyman's Bibliography of the Bacon-Shakespeare craze, describing some hundreds of books, pamphlets, and papers in which those views are set forth. It is rather significant to find that, in unseating Shakespeare from his throne, the only possible occupant seems to be Francis Bacon, certainly one of the most brilliant intellects of the brilliant Elizabethan age.

Among other illustrations of Shakespeare worth special mention are those which relate to his life in Stratford. Wheler's History of Stratford gives all that was known sixty years ago, but since then, thanks to the late Mr. W. O. Hunt, of Stratford, and the untiring labours of Dr. Halliwell-Phillipps, the Records of Stratford—certainly some of the most valuable and numerous in the kingdom—were overhauled, calendared, and arranged, and this good work has since been taken up by the Corporation, and some of the rarities brought out to public view. The large folio volume, the "Records of Stratford-on-Avon," is a mine of wealth to the archæologist and Shakesperean student, and the recent Report of Mr. J. Cordy Jeaffreson on the Stratford Records is also of great value. Another volume—not so rare—the "History of New Place," also by Dr. Halliwell-Phillipps, will be found to give a most vivid picture of Shakespeare and his neighbours at Stratford; while Bellew's "New Place" is a more handy and readable, and very useful work on the pedigree of the Shakespeares.

Our shelves also contain a large mass of curious records of the Tercentenary Celebration in 1864, and also a large collection of pamphlets concerning Stratford-on-Avon and its jubilees in Garrick's day, and also half-a-century ago. In short, no source of information has been neglected, and only a catalogue, compiled with the care and accuracy for which

Mr. Mullins is famous in the Library-world, can ever do full justice to the treasures which we possess, and which we hand on to our successors as the greatest literary memorial which has ever yet been formed of any author and his works.

One other matter, of which I am reminded by this reference to a catalogue should not be forgotten. Our Library not only boasted a fine collection of Shakesporean literature, and may still boast of one even more complete, but it has had the honour of giving the world the most original and valuable Shakespeare Catalogue yet produced. The three volumes which our Librarian compiled of works which we had and works which we wanted, is admitted by all good judges to be a most admirable work. It was a labour of love, not within the ordinary daily duties, and it was compiled with so much knowledge, care, and zeal, that merely as a record of Shakespeare editions and literature, it deserves the highest praise as a volume of enduring and increasing value.

BIRMINGHAM REFERENCE LIBRARY

LECTURES.

THE BOTANICAL BOOKS IN THE REFERENCE LIBRARY. (I.)

It is probably well known to all of you that a movement of some strength has existed for many years in favour of what is called "Phonetic" spelling, that is the spelling of words in accordance with their pronunciation. With regard to this movement I have always ventured to entertain the opinion that the reformers have got hold of the wrong end of the stick. However true it may be in theory that language is a spoken thing, it appears to me to be still truer that, in practice, it is not spoken but written, or perhaps we ought rather now to say, is printed. It is true that we go readily enough, or at least many of us do, to sermons, to speeches, to lectures, and for various reasons. Some mayhap from pure habit, some because they like to have their ears tickled, some for a love of excitement, and others because when they read about it in the papers next day they feel that they occupy a position of proud superiority in having heard

it themselves. But the audience which actually listens is but a tithe of the audience which reads. The days when learning was entirely sought at the feet of a Gamaliel have passed away for ever. Books are now the great teachers ; in them is brought together the collective wisdom of ages. If the teacher expounds he expounds from books ; if he wishes to know what others have done he seeks for it in books ; if he himself discovers something new he straightway commits it to the safe keeping of a book. The sum total of man's permanent knowledge is contained in books, and possibly the collective wisdom of the world would not be greatly lessened, however much its collective pleasure might be, were a spoken language to become a thing of the forgotten past.

It is clear that now the language that is spoken finds its most complete use in the elucidation of the language that is printed ; and, in providing these spoken commentaries on the books in the Reference Library the Committee are, perhaps unconsciously, illustrating the main modern function of speech.

In undertaking within the compass of a single hour to give an account of the books in the botanical department of that Library, numbering over 1000 volumes, I must at once frankly confess that I have undertaken an impossibility. I will therefore commence this lecture by stating that, with the kind permission of the Free Libraries Committee, and your own generous indulgence, I propose to split the subject, and to confine your attention to-night to the books which form the, broadly speaking, historical side of botanical science, those, that is, which may be said to have made history, and to stand out as prominent landmarks, or as intellectual lighthouses, amid the sands and shallows of scientific mediocrity. It is emphatically true

that there are epoch-making books. Such an one was Newton's "*Principia*;" such an one the "*Species Plantarum*" of Linnæus; such an one most of us have seen in our own day in Darwin's "*Origin of Species*."

I propose therefore to give a sketch of the rise and progress of botanical knowledge carried, roughly speaking, to the close of the last century, and which is intended to be illustrative of, and to be illustrated by, not only the books which your Reference Library actually does possess, but of those also which I hope by public or private munificence it will possess in the near future.

It is difficult to over-estimate the importance of the part which the vegetable kingdom plays in the general economy of nature. It forms on the one hand that laughing verdure without which this earth would be but a barren desert; while on the other hand it provides, either directly or indirectly, the food of all animals and of man, and indeed is, in its presence, essential to the existence of animal life; and yet again it has accumulated and stored up the light and heat rays of myriads of ages of the sun's existence, and in the form of coal once more gives them up to the usage of mankind. This being the case it is easy to understand why the study of Botany has always held a high place amongst men of scientific eminence, as amongst those to whom it is rather a recreation than a work, and it is also easy to see why it takes its stand in the earliest rank of subjects of human enquiry.

There can be no doubt that the study, if such it may be called, of natural history is first of all analytical—to distinguish animals from animals, plants from plants. The synthesis, that is the collecting of animals or plants into groups, having some feature in common, would come considerably later; though there can be little doubt that in

this particular animals preceded plants, since the groups of quadruped, birds, reptiles, fishes, insects, mollusca, &c., are readily recognisable by plain external signs, and these groups are at the same time semi-natural. Similar groupings of plants by habit and habitat were early used, and retained even so late as the 18th century, but it cannot be pretended that in their case the grouping was, even in the smallest degree, natural. Further, the knowledge of external form precedes by a very long interval that of internal structure. And indeed this is inevitable, for, dependent as our knowledge of this latter is upon the artificial aid of optical instruments, it necessarily must come subsequently to their first construction, and will amplify, more or less synchronously, with their improvement. We are in a position, therefore, to divide the history of such a science as Botany into what we may speak of as (*a*) The period of external knowledge and apparent life history, and (*b*) The period of internal knowledge and internal life history.

The first of these originally occupies the field alone; later, and as at present, they are co-existent; perhaps at some future time the first period may be determined, and the second alone exist, or the first may remain only as an appanage to the second.

Let us follow in our reference to literature the same method. Let us in the first place take the period when literature was not, when external and apparent life history only was known and was communicated from one to another in the older fashion by word of mouth. This period—a period merely of what I have already called analysis, or distinguishing one plant from another, probably begins very early in the history of a tribe or language. In the earliest records of civilised man the names of plants and animals are very abundant, and probably they are equally, perhaps

even more so, in the unwritten language of uncivilised tribes. Thus Yates (New Zealand, p. 238) tell us that the Maories of New Zealand have a distinct name for each of the seven or eight hundred plants that are found in the islands; a thing which we at least cannot boast of. We have got many distinct names, but often our "distinct" names are the same for eight or ten different plants. In the legends of the rudest tribes numbers of plants are spoken of with a frequency that betokens a certain amount of familiarity. It is not difficult to theorise on the origin of such unsystematic, or the stage of it which Whewell calls "imaginary," knowledge. In all such knowledge there are two steps; 1st, The power of knowing for oneself, *i.e.*, the power of observation; and 2nd, the power of transmitting to another, that is of description. Both of these would be at first exceedingly elementary, and the former naturally preceding the latter. The growth would be slow, for the vast bulk of plants would remain long unnoticed (even as now by non-botanists), only those with which the savage came into more or less important contact being known. In what way knowledge would be originally acquired is doubtful, but probably *property* would be the first guide. Such a plant, *e.g.*, as the nettle, would not long remain unrecognised, and again plants bearing fruits which other animals found to be edible would also soon be known, and to this category would later be added such as produce edible roots. The communication of this knowledge to others, which is the real basis of books, involves the observation of striking external features, and for this purpose *habitat* (*i.e.*, marsh, forest, &c.), *general appearance* (tree, &c.), and kind of leaf, with colour and so on, would first be seized upon. The next step would be the provision of a name, perhaps derived accidentally, to obviate the necessity of lengthy descriptions,

just as we think it is much easier to speak of "John Armstrong" than of "John-Strong-i'-the-arm." In this way a considerable number of terms would grow into use, terms either of nomenclature or of description, or more probably of both combined,—terms which, like our own popular names of plants, are useful and sufficiently definite with limited knowledge, but the looseness and insecurity of which as knowledge progressed would be, and has been, severely felt.

The earliest kinds of systematisation were probably those of property, habitat, and kind, and of the latter we have a striking example in the arrangement of plants into trees, shrubs, and herbs, retained even until the time of Linnæus, in the middle of the last century.

But man's early knowledge is acquired not only or even chiefly from observation and reasoning, but, as Whewell reminds us, largely from "his fancy and his emotions, his love of the marvellous, his hopes and fears. It cannot surprise us therefore that the earliest lore concerning plants which we discover in the records of the past consists of mythological legends, marvellous relations, and extraordinary medicinal properties. To the lively fancy of the Greeks the Narcissus, which bends its head over the stream, was originally a youth who in such an attitude became enamoured of his own beauty; the beautiful lotus of India (*Nel. speciosum*), which floats with its splendid flower on the surface of the water, is the chosen seat of the goddess Lackshmi, the daughter of Occan." It would be easy to multiply instances like these of the association of plants with tales of superstition, without going to ancient time, even from the pages of one book—Shakspeare. In similar way the properties of plants, found originally by accident, would become subject to the exaggeration of dealers in the

marvellous, and a medical, like to, and indeed usually combined with, a religious priesthood, would pander to the credulous, reaping a harvest whose richness was a reflex of the gullibility of the dupe. Thus Pliny, in his introduction to that book of his Natural History which treats of the medicinal properties of plants, tell us "Antiquity was so struck with the properties of herbs, that it affirmed things incredible. Xanthus, the historian, says, that a man killed by a dragon, will be restored to life by a herb which he calls *balin*; and that Thylo, when killed by a dragon was recovered by the same plant." (Perhaps it is just that death by a fabulous beast should be cured by a fabulous herb.) "Democritus asserted, and Theophrastus believed, that there was a herb at the touch of which the wedge which the woodman had driven into a tree would leap out again."

Strictly botanical literature begins early, though much of it is lost. Thus Solomon we are told "spake of trees from the cedar tree which is in Lebanon, even unto the hyssop that springeth out of the wall," though what he said has not come down to us. The great naturalist Aristotle devoted much time to plants, though here again the results have been lost. Theophrastus of Eresos, the pupil of Aristotle, is the first great botanical writer whose works we now possess, and of which a reprint, of date 1866, is in your library. In these the Aristotelian arrangement alike of animals and of plants is maintained; but though in the case of the animal kingdom this arrangement is worthy of all admiration, that of plants has left no trace in the classifications of to-day.

The beginnings of knowledge are probably much the same in all lands, and our own early literature, especially of the Elizabethan period, teems with stories of virtues equally fabulous, and for the supposed misuse of which, in

the days when witchcraft was an accepted article of faith, —the fortieth article—many a poor old woman, whose only crime was the possession of an unduly prominent nose, and a back bent by age and rheumatism, was submitted to the trial of the ducking stool, or other more fatal ordeal. And even at the present time, so tenacious of life are popular superstitions, our “Self-heals,” and “Flea-banes,” and “Dane’s-blood,” retain their mystic virtues, though “Enchanter’s nightshade” and “Love in a Mist,” are no longer regarded with awe.

The general intellectual awakening of the 15th century did little for botany. As the number of known, that is of recognised plants, somewhat increased, there was some slight increase in the descriptive details, and that was all. One botanist after another published his “herbal,” each copying with fidelity the every-day lore and errors of his predecessor. Of each of those “herbals,” one might say that as Milton’s Comus—

“Would ope his leathern scrip
And shew me simples of a thousand names,
Telling their strange and vigourous faculties.”

—so can we open any of these works and find wonderful accounts of medicinal and other uses, habits, modes of cultivation, &c., associated with slight and often quaint descriptions, thrown together “higgledy piggedly” without the slightest attempt at arrangement.

Amongst these “herbals” of our own country let us note a few. We cannot in this library begin with the earliest. I am afraid that the earliest is a book of very marked rarity. But even before these herbals which I shall note, we are told by Dr. Ducarel in the “Philosophical Transactions” for 1772, that there are two Saxon MS. herbals in the Bodleian Library at Oxford, and two in the Harleian, and

other MSS. down to the year 1504. The first of the actually printed herbals in existence in Dr. Ducarel's day, was printed in the year 1506 at Southwark, under the name of "The Greate Herball;" while in the year 1553, or rather running from 1553 to 1562, William Turner, a noted man in his day, brought out "A New Herball." These herbals were in folio, and it will perhaps help you to know the demand for such an herbal, if I tell you that the first edition of Turner's was printed from 1553 to 1562, and that it was followed by a second edition in 1568, just six years later. We have not in the Library a copy even of Turner's "Herball;"* but we have a copy, thanks to the exertions of the English Dialect Society, or a reprint rather, of a very interesting little work of Turner's, the "Names of Herbes." This book he dedicates—and these old dedications are often very interesting—"To the mooste noble and mighty, Prince Edward, by the grace of God, Duke of Summerset, Erle of Hertforde, vicount beuchamp, lord Semour vnclie vnto the Kynges highnesse of Englande, gouernour of his moste royall person and Protectour of al his realmes dominions and subiectes, lieutenaunt generall of al his maiesties armies boeth by lande and sea, Treasurer and Erlmarshal of Englande, Gouernoure of the Iles of Gernesey and Jersey, Knyght of the garter, William Turner his seruaunte wisheth prosperitie boeth of bodie and soule."

This dedication was written in the year 1548. William Turner's wishes for the body of the Duke of Somerset, were I fear of little value, as in 1552, four years after this, he was, as most of you know, beheaded on Tower Hill. I hope his wishes for the safety of his soul were of more lasting worth. "Thys little boke," he says, "cōteineyth the

* Since this lecture was delivered a copy of the 2nd edition has been acquired for the library.

names of the moste parte of herbes, that all auncient authours write of both in Greke, Lattin, Englishe, Duche and Frenche, I haue set to also the names whiche be cōmonly vsed of the poticaries and cōmon herbaries."

The first herbal that we actually possess is that of John Gerarde, published in the year 1597, under the name of "The Herball or General Historie of Plantes, gathered by John Gerarde, of London, Master of Chirurgerie." In all Elizabethan names there appears to be a fatal inability to spell them. Gerarde himself writes "Gerarde." Later on he appears in literature as "Gerard," and under that name this very book is bound, the binder knowing better than the author. Later still it appears as Gerrard. This Gerarde was rather a noted character in his way. Mr. Gough in "British Topography" tells that "Before the year 1597, John Gerrard, citizen and surgeon, of London, seems to be the first who cultivated a large physic garden, which he had near his house in Holborn (sic!), where he raised 1100 different plants and trees." According to Dr. Ducarel, Gerrard had another physic garden in Old Street. These are interesting localities, to those who know London, in which to expect the presence of physic gardens. Another book which I hope will come into the Library some day, and of which I have a copy here, is perhaps even more interesting in its character. It is Dr. Culpeper's Herbal, (1653). Dr. Culpeper was a devout believer in astrology, and he seems also to have been a devout believer in spurious imitations. He warns the public against such imitations, and gives a list of directions by which you shall be sure to know his own true book from the false. He gives likewise an exceedingly interesting series of instructions for the right use of the book.

"The Herbs, Plants, &c., are now in the book appropriated to their proper planets. Therefore,

First, consider what planet causes the disease ; that thou mayest find it in the aforesaid Judgment of Diseases.*

Secondly, consider what part of the body is afflicted by the disease, and whether it lies in the flesh, or blood, or bones, or ventricles.

Thirdly, consider by what planet the afflicted part of the body is governed : that my Judgment of Diseases will inform you also.

Fourthly, you may oppose diseases by Herbs of the Planet, opposite to the planet that causes them : as diseases of Jupiter by herbs of Mercury, and the contrary ; diseases of the Luminaries by the herbs of Saturn, and the contrary ; diseases of Mars by herbs of Venus, and the contrary.

Fifthly, there is a way to cure diseases sometimes by sympathy, and so every planet cures his own disease ; as the Sun and Moon by their Herbs cure the Eyes ; Saturn, the Spleen ; Jupiter, the Liver ; Mars, the Gall and diseases of Choler ; and Venus, diseases in the Instruments of Generation."

Passing from these grand herbals, we come next to the beginning of the 18th century, to 1707, when there was published a very small but equally interesting "Compleat Herbal," of what the author calls 'Physical plants.' This is by Dr. John Pechey, of the College of Physicians, and contains "the herbs, shrubs, &c., used in physic and surgery and to the virtues now in use is added one receipt or more of some learned physician." He gives more than any body else, though it is in small compass. Another book which owes its chief interest to you from the fact that it is a Birmingham printed book, (printed by Thos. Pearson, in 1790,) is "The New Family Herbal or Domestic Physician," by William Meyrick, surgeon.

* This is another work by the same author.

Leaving this lengthy account of the herbalists, and going back to general questions, the avenues of knowledge began to broaden when men began to learn the habits and properties of plants from real love of knowledge, apart from superstition on the one hand or mere utility on the other; and with the 16th century commences a break in that continuity of copyists of which I spoke, though as yet our own land participated but slightly in this progress. Botanists at least began to learn one virtue—the virtue of observing with their own eyes and not of following implicitly the descriptions of the ancients. To the German botanist, Fuchs, who has given his name to our well-known plant the Fuchsia, is mainly due this awakening, and with his and one or two other Swiss names is associated the recognition that it is necessary to bring together your observations and to build up your facts before you deduce laws. These are the first—feeble it is true, blundering it is true—attempts to form the foundations for a scientific system. The first actual attempt at building one was made by Andreas Cæsalpinus, the professor at the University of Pisa, a profound philosopher, deeply learned in the Aristotelian philosophy, but at the same time able to think and act for himself. His work in 16 books entitled, “*De Plantis*,” appeared at Florence in 1583. In it he specifically rejects the Aristotelian method of proceeding “from universals to particulars,” as applied to botany, asking how it is possible when particulars are better known. His keen insight into the requirements of the case is manifested where after speaking of the multiplicity of vegetable forms he says: “In this immense multitude of plants I see that want which is most felt in any other unordered crowd: if such an assemblage be not arranged into brigades, like an army, all must be tumult and fluctuation. And this accordingly happens in

the treatment of plants ; for the mind is overwhelmed by the confused accumulation of things, and thus arises endless mistake and angry altercation." Cæsalpinus divides plants into 3 series, trees, shrubs and herbs, and flowerless plants, and by sub-division of the two former according to their fruits he obtains 11 classes, in which his care in work is most clearly seen. When we remember that Cæsalpinus had no predecessor to build upon, and that his work ran directly counter to the whole tenour of Aristotelian doctrine, we cannot withhold from him our hearty admiration. And our admiration becomes the more real and earnest when we note that for nearly a century he had no follower, but stood alone, the solitary exponent of a scheme of vegetation which, artificial though from our point of view it was, yet was as successful as any of its much later successors in the formation of natural groups. For more than a century Cæsalpinus' writings seem unknown, and botanists continued to work on the old lines, laboriously collecting details of more or less accuracy and importance, and carefully perpetuating the errors of their predecessors. The end however, of the 16th and beginning of the 17th centuries were characterised by botanical travels in Europe, India and the Islands, East and West Asia, North and South America, and the West Indian Islands of Jamaica and San Domingo, all resulting in the acquisition of more and more knowledge of plants, rendered, however, almost useless by the chaotic state in which botanical nomenclature at that time was. Of these, the library possesses one marked example in the "*Nova Plantarum Mexicanarum Historia*" of F. Hernandez, 1651.

Then the clang of warfare which throughout the whole of the central of the 17th century resounded throughout Europe, stilled the voice of science ; but the latter part of

that century saw a remarkable uprising of learning. From the year 1667 we may date the starting point of modern vegetable anatomy—the science of structure; while the twelve years from 1680 saw the production of no less than six new systems of classification.

Now, for the first time, England enters fully into the realm of botanical work, and to this period belongs one of the most interesting and most charming of all the books in the Library—a book which ought to be charming considering the peculiarly beautiful name of its author and the title which he gave to it—Evelyn's "Sylva, or discourse on forest trees," a book which I wonder has not been often repeated as it abounds in lovely word pictures, in and beyond that it is not void of actual scientific interest. Among other things he deals with a subject of interest even in our day, that of the movement for re-foresting bare lands. He has a long argumentative chapter devoted to this, and he mentions in addition to his own "the most accurate and no less laborious calculations of Captain Smith."

The gradual improvement in the microscope had rendered it available for investigation. In this improvement Robert Hooke, one of the earliest secretaries of the Royal Society, had laboured most earnestly, and in his "Micrographia" published in 1667, and a copy of which I hope will shortly be added to the Library, he gives an account of the structure of cork, demonstrating its cellular nature—a discovery, as I have said, the very starting point of the modern science of minute anatomy. He also investigated the phenomena of the movements of the leaves of the sensitive plant (*Mimosa pudica*), and in attributing the fall of the leaf into what he calls the position of sleep, to the escape of a "subtle humour" he came very near our modern way of accounting for the same phenomena. Very shortly afterwards, in

1761—73, another secretary of the Royal Society, **Nehemiah Grew**, following indefatigably in the steps of **Hooke**, presented to the Royal Society the results of his researches into the structure of plants. Those researches are contained in the volume we have here, "**The Anatomy of Plants.**" Grew has perhaps a little extra claim on a Birmingham audience, because though not actually, as far as I know, a Birmingham man, his father was nevertheless a nonconformist belonging to St. Michael's, Coventry, and in that great purging of nonconformist divines which took place shortly after the restoration, Grew's family had to vacate. They went abroad, and Grew took his degree as M.D. at one of the German Universities. Then he came back and settled down I believe again at Coventry, and pursued there his researches. These attracted so much attention that he was summoned up to London, and there carried them on under the immediate patronage of the Royal Society, and dedicated them to "**His most Sacred Majesty Charles II.**" I do not know whether his father was dead at the time. Probably the old nonconformist divine would not have thought so much of "**His Sacred Majesty**" as Nathaniel Grew apparently did.

Simultaneously and independently another observer, **Malpighi** of Bologna, worked in the same direction, and communicated his results to the same body—the Royal Society—so that, not merely was the science of vegetable anatomy initiated in this country, but it was looked upon entirely, as **Hooker** tells us, "**as the head-quarters of this branch of scientific enquiry.**"

In the equally new department of systematic botany our countrymen were also not idle. Of the six systems already mentioned as published between the years 1680 and 1692, two were produced here. First of these must be taken the system of **Morrison**, who, in 1680, describes himself as the first director of the Botanical Gardens at Oxford. This system

was grounded on the habit and fruit, with other characters drawn from the number and union of the petals, but there can be now no doubt that it was a most unblushing copy of a system published a century before (in 1583) by the Florentine Cæsalpinus. By far the most complete and perfect system up to his day was undoubtedly that of John Ray, a Fellow of Trinity College, Cambridge, at the same time with that other king of men, Isaac Newton. Cuvier speaks of Ray as the model of the systematists of the whole of the 18th century. Ray's system was first sketched in 1682, but was not completed till 1703. Between those years it was published in these three magnificent volumes. It is described as "*Historia Plantarum*." As with most of these systems, it was published in Latin of occasionally a rather canine character, and is consequently somewhat difficult to get clearly through. As a rule one takes these books second hand. This system unfortunately retained the primary division into trees and herbs; but after that we come to the distinctive features of Ray's method, for he first divided flowering plants, as they are at present divided, into those with one or two seed leaves, pointed out the association of parallel veins in the leaves of the former group; made flowers composite (like the Daisy) or single; referred to the presence or absence of a seed vessel enclosing the seed; drew attention to the number, union, and insertion of the petals; the regularity or irregularity of the flower; and the arrangement of the leaves on the stem. We may therefore justly claim for John Ray that he was the founder of modern systematic botany.

In many respects, however, Ray was in advance of his time. The only system of this period which took hold of the general public was that of Tournefort,—in many respects the most artificial and least accurate of them all. 'A reformer was urgently needed; no reformer came more opportunely than

Linnæus, and none was more successful. It is apart from my purpose to here give details of the system which the great Swede, Karl Linné, promulgated. His system was a reformation; he invented nothing new; in many respects it was far inferior to that of Ray, and its author never claimed for it other than the name of artificial. But it presented above all the three grand merits of simplicity, comprehensiveness, and elasticity.

The Linnæan system was, after some hesitation accepted, and then held by all English botanists with tenacious grasp, even long after it had been abandoned elsewhere. "When Linnæus visited England in 1736," says Whewell, "Sloane, then the patron of natural history in this country, is said to have given him a cool reception, such as was perhaps most natural from an old man to a young innovator; and Dillenius, the professor at Oxford, did not accept the sexual system." Perhaps the progress of the introduction of the Linnæan system into England will be best understood from the statement of T. Martyn, who was Professor of Botany in the University of Cambridge, from 1761 to 1825. "About the year 1750 he says "I was a pupil of the school of our great countryman Ray; but the rich vein of knowledge, the profoundness and precision, which I remarked everywhere in the 'Philosophia Botanica' (published in 1751) withdrew me from my first master, and I became a decided convert to that system of Botany which has since been generally received. In 1753, the 'Species Plantarum,' which first introduced the specific names, made me a Linnæan completely." In 1763 he introduced the system in his lectures at Cambridge, and these were the first Linnæan lectures in England; while the classes and generic characters, and nomenclature of Linnæus had been first fully adopted by Hudson, in his "Flora Anglica" in 1762. The school which Linnæus

himself personally superintended at Upsala sent out enthusiastic disciples to all parts of the world; and amongst those who came to England were two Swedes, Solander and Dryander. The latter became Librarian to the then leader of English Botany, Sir Joseph Banks, and the former did good work in connection with Cook's well-known voyage, in working out the results of which he came into contact with a young Scotsman, Robert Brown by name, a protégé of Banks; and who was destined to be by far the acutest and most original botanist of his day, perhaps one may say the greatest botanist this or any other country has produced since the days of Linnæus. Another zealous young disciple of the Linnean School was James Edward Smith, the founder of the Linnean Society of London, and the purchaser, after the death of Linnæus, of the whole of his collections—now the property of the society.

In Vegetable Anatomy, for a century and a half after the time of Grew, no valuable addition to knowledge was made by any observer, here or elsewhere, with the single exception of Leeuwenhoek. As far as that science was concerned the 18th century was well-nigh empty. But towards the middle part of that century a new branch of botanical science took its rise, and once more, though with less certainty, this country may put in a claim for its founder. Hales, the distinguished author of "Vegetable Staticks," a book which I hope will be in the Library in a few days, was if not *the* at least *one* of the fathers of a new line of philosophy, the object of which was the elucidation of all the physiological phenomena of plant life—the study which is now known as Vegetable Physiology. Duhamel, a Frenchman, who wrote in the same period, in his "La Physique des Arbres," carried out the same lines of research with perhaps even greater success. His book, likewise, will

shortly be found on the shelves of the Library.

I have said that at length the Linnean System took firm root in this country; I may add that it lingered here longer than anywhere else. In it were published many great works; great in more senses than one, for the philosophers of the end of the last century did not think their observations could possibly go down to posterity, unless they put them in the form of at least a folio. Here, for instance, is the work of John Hill, M.D., extending to 26 volumes, devoted to "The Vegetable System, or the Internal Structure and Life of Plants, their Parts and Nourishment Explained." This is a book which is of some value, but certainly not so much as would warrant twenty six volumes folio. Here, however, is a finer book, smaller in bulk, but far more precious in quality, by William Curtis, then describing himself as Demonstrator of Botany to the Company of Apothecaries. The book is entitled "*Flora Londinensis*," with plates, and descriptions of such plants as grow in the environs of London. The plates, as anyone may see from the most cursory examination, are of the finest possible character. Curtis's work, not merely in these six volumes of "*Flora Londinensis*," but in commencing a series of books, the first volume of which I have here, must be spoken of as simply marvellous. This series of books is entitled "The Botanical Magazine." The first volume was published in the year 1793, and the work has since been kept up year by year to the present time. During that period somewhere about 7000 plants have been described—accurately described and figured in colour, which in the olden time, when they did not know better, was done by hand and accurately. In our modern time the plates are coloured by machinery and inaccurately. The plates in this first volume are simply a marvel of accurate and careful workmanship. This magazine has played perhaps a greater part in making

botanical knowledge accurate than any work which has ever been published. A most useful supplement to the first 107 volumes of it, in the form of a general index, has been published by one well known to a Birmingham audience—Edmund Tonks. Nearly closing the century, in the year 1791, heralding as with cuckoo voice that love of nature which makes the end of that, and the beginning of the 19th century the spring time of the natural sciences, was published Erasmus Darwin's "Botanic Garden," including in its "Loves of the Plants," the sweetest floral song that ever came from human pen inspired by human heart. With this period then we close the present lecture. It has been as you see entirely historical. We have dealt, as I said we should deal, solely with books which have made the history of Botany. To those of you who wish to follow this historical subject somewhat further, I can only end by noting that in the Library will be found three, and I hope shortly, will be found four other historical works, namely, Pulteney—the historian of English botany—"Historical and Biographical sketches of the progress of Botany in England, from its origin to the introduction of the Linnæan system" (1790); Karl Sprengel, "Geschichte der Botanik," published in 1818; Meyer's work, with the same title, published in 1854-57; and last, a small book by Sachs also with the same title, in one volume, published in 1875, bringing the history down to the year 1860. In addition to these I have made free use of Whewell's "History of the Inductive Sciences."

At the end of the next Lecture will be given a Catalogue of the Books on Botany in the Reference Library.

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LECTURES.

BOTANICAL BOOKS OF THE NINETEENTH CENTURY.

MR. CHAIRMAN, LADIES AND GENTLEMEN,—

Those of you who honoured me with your attendance at the last of these lectures will remember that I closed the subject at or about the end of the 18th century. At that time we had found that practically the study of botany had developed itself into four branches. One of them was the economic side, which will include medicine, agriculture, and gardening, which we now from that period must consider as separated from our special subject. Time is too limited to enable us to treat upon those special branches. In the second place there was systematic botany, as it is now commonly called, consisting in a study of the external form, and the comparative relations of plants with one another based upon the study of that external form. In the third place there was the anatomy, or the structure of plants; and in the fourth their physiology, or function and life history. I have further pointed out what,—in these days of, I fear

I must say, British Scientific degeneracy,—ought to be firmly borne in mind, and remembered with pride in order to look forward with hope to the future, that out of those four branches two at least may be said to have received their foundation within the bounds of this small island, namely anatomy and physiology; that the third—systematic botany—received its first stable foundation in this same country, while for the fourth we were largely if not entirely dependent upon other portions of Europe. Now we continue then with the special subject of this lecture, namely the 19th century books.

ERRATA.

- Page 118, line 8. For "planted," read "fastened."
 Page 123, line 9. After "are not," insert "all."
 Page 123, line 16. For "Note-book," read "Hand-book."
 Page 130, line 13. For "fifty," read "fifteen."

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Of Nature trusts the mind that builds for aye."

The brilliant lines of that other school, of which Byron, Keats and Shelley are the glorious triumvirate, are replete with a love of Nature, alike in her softer as in her more tempestuous moods.

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Perhaps the most remarkable feature of that stormy period which closed the last, and ushered in the present, century was the wonderful spread amongst all classes of the love of nature and her works and ways. It seemed as if the political convulsions of the time had made thoughtful men withdraw within themselves, and, like the Birmingham Priestley, find in communion with nature that scope for their energies which the intense reaction of the period refused for them in the outside public world. For well nigh fifty years literature is crowded with allusions to nature and her workings; witness that much abused class of poetry known as the "Lake School;" and the well-known dictum of Wordsworth—

"To the solid ground

Of Nature trusts the mind that builds for aye."

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promulgation botanists there were eagerly seeking, on the lines which John Ray had laid down for them, for some natural system; a series of those extraordinary men in whom the revolutionary and pre-revolutionary periods were so rife, were engaged upon this work, and the year 1789 saw the production by Antoine-Laurent de Jussieu of the first serious rival of the Linnean system. But the era of Republican and Napoleonic France was no time for new systems, French in origin, to make their way here. The battle of the systems continued long in all lands, but longest of all in England, from whose savants came the most strenuous opposition; and it was not till the year 1830 that victory finally declared itself on the new side.

Though in this I differ from the "authorities," I cannot help venturing to think that this long ascendancy of the Linnean system was a fortunate thing for systematic botany. In the formation of a satisfactory system time and material are both needed; one founded on insufficient knowledge would not have advanced the interests of botanical science, particularly in a country so innately conservative as this is; and in the meanwhile the Linnean system furnished a ready means of handling large masses of facts, and of marshalling the rapidly increasing number of newly discovered plants among their probable allies.

Perhaps the best proof of this is to be found in the deep modification of the Jussieuan system before its final victory in this country. It is not too much to say that both modification and final victory are mostly due to our famous countryman Robert Brown. The breadth of the acquaintance of Brown with the vegetable kingdom was enormous. His Australian collections for example, brought home from one visit, (1801-5) with Captain Flinders, numbered nearly 4,000 species. The three volumes of his

works in your library under his own name do not give the smallest conception of his scientific activity. This is not the place to dwell in detail upon his work; suffice it to say that wherever the science of botany is studied there the name of Robert Brown is held in reverence. Not merely was he a systematist of the first rank, but many of the grandest physiological problems of the day, such as the nature of the flower and fruit of the Conifers, the morphology of the flower of the Orchids, the nature of the nuclei of cells, were first worked out fully by him. He indeed, more than any other botanist, shewed that it is through physiology alone that the attainment of a natural method of classification can be reached; though it is sad to remember that after his death physiological and anatomical botany were, in Britain, almost extinct branches of the science, the darkness enshrouding them being for a long time illumined only by the work of Arthur Henfrey—the solitary exponent of modern botanical thought in this land.

But although Brown was followed immediately by none, yet belonging to the same period with him came the physiological labours of Andrew Knight, a Scottish "amateur," whose physiological labours, enshrined in the transactions of the Royal Society (though well worthy of separate publication) point him out as the most intelligent vegetable physiologist of his day.

I may here, perhaps, spare a few moments, parenthetically, to give you an idea of the way in which he advanced the new experimental method. Amongst the best of known phenomena is the fact that as a rule the root of a plant grows downwards, while the stem grows more or less perpendicularly upwards. Why should this be? was the question which Knight set himself to solve. You would expect them both to lie on the ground, but whether upon hillside or plain

the stem grows perpendicularly upwards, and the root perpendicularly downwards. He solved this problem in a way which, in this mechanical town, must be exceedingly interesting. He had in his garden a small waterfall which he turned to economical advantage. He prepared a couple of discs, which could be set revolving by this fall—the one vertically and the other horizontally, and round each of these discs he planted seeds of the common pea or bean, which had begun to germinate. He set the discs revolving, and at the same time kept the seeds moist, so that they kept on growing. The answer he practically got from the experiment was that the laws of gravity were at work upon the plants just as upon everything else, but with this distinction—everything else that we know of, except it be lighter than air, is carried downwards towards the centre of the earth; but Knight found that whereas the law of gravity acted directly on the root and made the root grow downwards towards the centre of the earth, upon the stem the law of gravity acted in an exactly opposite direction and made it grow vertically away from the centre of the earth. When the disc revolved vertically he found that the roots pointed outwards—radiating from the disc, and the stems always grew inwards towards the centre of the disc. On the other hand, when the disc was horizontal, he found that according to the rate at which it revolved the roots would either fly outwards, or if the revolution was slower would droop a little towards the earth. The stem, on the other hand, would either be very much inclined upwards or towards the centre of the disc, as the case might be; thus showing in this extremely simple way that the law of the growth of plants is a law of gravity.

It is to the heterogeneous mass of States which made up the then purely historical "Germany" that the centre of

intellectual activity in matters botanical now shifted. The universities dotted thickly about, each with its full professorial staff, and in active competition to secure a share of the tens of thousands of young men who went to them whether for play, beer-drinking and fighting, or for good honest work, while it tended to lower the standard of the "degree" in many of them, still tended to evolve a huge army of workers. While in England the pursuit of botanical research, as of many other forms of pure, in themselves non-lucrative, study, lay mostly in the hands of the young physician or the wealthy amateur; in Germany was being created a band of professional scientists, whose often narrow means and opportunities, while restricting the breadth intensified the depth of their individual areas of research. Overshadowing all then in the botanical world was the gigantic personality of Hugo von Mohl, of whose actual work you have in the Reference Library but one small fragment in the "Anatomy of the Vegetable Cell," translated by Henfrey in 1852, a work which, together with the researches of Robert Brown into the nature of the vegetable nucleus, lies at the foundation of the hitherto universally accepted, though now changing, conception of the nature of vegetable organisms. For some 30 years the dictum of von Mohl was almost law, and his ever-present image obscures the fact of the existence of workers other than himself. Von Mohl may be considered the real founder of the German school of vegetable anatomists, a school having now its ramifications in all lands, by its influence once more awakening from its long slumber our own country, the birthplace and once exclusive home of this line of scientific research. Probably the grandest of the intellectual successors of von Mohl, is Julius Sachs, professor at Würzburg, of whose life labour you have two

monuments in his "Text book of Botany" (a book which has re-modelled the whole method of botanical study in England), and his recently published "Vorlesungen über Pflanzen-physiologie" (Lectures on Vegetable Physiology), in which he has carried almost to perfection the experimental method first brought into use by Hales, Duhamel and Andrew Knight. To him must be added Anton de Bary whose "Anatomy of Phanerogams and Ferns," (a translation of which you have in the library), a master-piece of its kind; and Strasburger, on whom the embryological mantle of Robert Brown has fallen with three-fold virtue and potency, but whose works are not yet represented in your library.

In connection with this branch—the anatomo-physiological branch—of our subject I may say a few words on that section of life-history which is connected with and depends upon the relations of the plant with its external environment, that is to say the position in which it is normally found to be growing, and its distribution from a geographical point of view. In this branch, although the English are foremost as travellers, they have not been foremost in systematizing the results of their travels. For systematic accounts of the distribution of plants we once more must pass over to "the Fatherland;" and there we find represented in your library one or two books upon which I must add a separate word. The first are by the well-known traveller Alexander von Humboldt. Of his books you have a French edition of his essay on the geography of plants, published in 1807; and also not counted in the botanical section of the library (though that is its true place,) his "Aspects of Nature," of which we have an English edition translated by Mrs. Sabine, published in 1849. I mention this book particularly because its word

pictures, perhaps some of the most vivid that have ever been produced in our time,—are almost Homeric in their vividness.

[The Lecturer by way of illustration read an extract descriptive of the Steppes of the Orinoco.]

Again, the most philosophical account up to this date of the distribution of plants is that by Grisebach, on “the Vegetation of the Earth,” and of which you have a French translation. With reference to this and other German works, I may here remark that when a French translation exists, and an English does not, it is preferable to get the French translation rather than the German original; because there is a tendency amongst German Scientists to involve themselves in sentences the beginning of which they have forgotten before the end is reached, and elucidation is usually one of the first duties of a translator. The French language is one that lends itself to the simplest possible description, so that provided an English translation be not to hand, the French is decidedly preferable as a rule to the German original. For these works I need hardly say that English travellers have very largely provided the materials; and English scientists have provided a few of the most marked contributions on a small scale to the literature on this subject. You will find two or three in the library, of which a couple come from the pen of the present director of Kew Gardens—Sir Joseph Dalton Hooker. Perhaps the more remarkable of these is a pamphlet of his which is technically called the *Flora of Australia*, in which he gives a true key to the characteristics of what are called *Insular Floras*—that is of the flora of portions of land which are more or less remote from the main continents. Another of his contributions in the same line—“The distribution of Arctic plants”—is likewise of great value.

It is in systematic Botany however that the English labourers appear, during this century, at least since the death of Robert Brown, to have speculated most deeply, and works in connection with this branch, of which you have in the library a very considerable number, may be divided into two main heads. The first of these that I will mention is what are called monographs—that is incisive studies into small separate sections, following them out in the closest and fullest possible way—a line of study in which the Germans excel. These are found very largely in the Transactions of the Linnean Society, and to a smaller extent in those of the Royal Society. There are some in those of the Botanical Society of Edinburgh, and in the transactions of the Philosophical Society of Cambridge, and other local societies which have their transactions in the library. I have brought from the library, by the kindness of the committee and chief librarian, one or two examples of this type of work. Here for instance is one of four volumes of Boott's "*Illustrations of the genus Carex*"—or the Sedges, which form a tolerably prevalent feature in river-side and marsh and moorland landscape. These four volumes are devoted entirely to that one genus, and if you care to examine them you will find the study must have been pretty inclusive. Here again is a grand work published only four years ago—"Monograph of the genus *Lilium*,"* that is the lilies. It is really a very fine example of this particular class of work. You have many other examples in the library of these studies of separate sections, which do not however always take the expensive and elaborate form which is characteristic of these two.* The second of

* By H. J. Elwes.

* Some of the best of these, from the pen of J. G. Baker and others, will be found in the Transactions and Journal of the Linnean Society.

these groups includes what we may speak of as works of wider scope, which I can subdivide into two; firstly, works relating to special districts. This you will see is, from a geographical point of view, the equivalent of those I have just referred to from a systematic point of view; that is to say, you can either have a monograph of a sub-section of Botanical work or a monograph of a sub-section of Geographical Botany. Of these the library possesses several invaluable examples. I should rather say they are not in the library yet, but I hope will be before long. I refer chiefly to Griffiths' Indian Botanical works in eleven volumes of different sizes from folio to octavo. The greatest however of all workers in this direction have been George Bentham, who together with Müller worked out the Flora of Australia—"Flora Australiensis"—and Sir J. D. Hooker who is represented in your library by the "Flora of British India;" "Note book of the New Zealand Flora;" and many others. These were mostly elaborated in connection with the Royal Herbarium attached to Kew Gardens. Besides these there are many English Floras, which only come under the same heading in that they are works devoted to the special study of some restricted locality. Amongst these is that of Withering, an old Edgbastonian. In the smaller stages still you have other local Floras, such as Lees' Worcestershire and Leighton's Shropshire, while the Flora of Warwickshire Mr. Bagnall is publishing at the present time in the *Midland Naturalist*. A grand work of this kind and one which is deserving of special notice is this life-monument of the land of dead monuments, Sibthorp's "Flora of Greece." It is an exceedingly elaborate work and the style of the plates is of the finest possible character. This work is in ten folio volumes.

The second of these sub-groups is general works. And here amongst English books you will find two which I

have here to-night, Lindley's "Vegetable Kingdom," a book which of its kind has no counterpart up to the present, and which I cannot help thinking would thoroughly well repay a careful modern re-editing. The other is the "Genera Plantarum" of Bentham in collaboration with Sir Joseph Hooker. This work is devoted especially to a description of those genera which collectively make up the Vegetable Kingdom. It is melancholy to note by the way that the former of these two distinguished joint authors, George Bentham, closed the last chapter of an honourable and active life almost synchronously with the last portion of this, his greatest life work. The French systematic botanists whose works are represented in the library embrace the family of the de Candolles, A. P. de Candolle, A. de Candolle, and C. de Candolle, works of all of whom are present on the shelves of the library. The "Prodromus systematis Naturalis Vegetabilis," in 21 volumes, 1824 to 1873, of A. de Candolle is one of the greatest systematic works of the century.

Here may I pause for a moment to note how singularly the love of botanical science has tended to run in families. To take but a quartet of cases, the de Candolle family referred to above has produced at least three botanists, two of the first-class, viz.: Augustin Pyrame de Candolle, the great French modifier of the Jussieuan system, and his son A. de Candolle, the author of the *Prodromus*, the author too of that system of classification which is now in use throughout the greater part of Europe and in all English speaking countries. Then the Jussieus themselves were three in number, Bernard de Jussieu, who in arranging the gardens of the Trianon, in 1758, succeeded in grafting the natural genera of Linnæus upon the primary classification of Ray, and his greater nephew, Antoine-Laurent de Jussieu

the "Expositor of the Natural System." Adrien de Jussieu, son of Antoine-Laurent, is the author of a modified system of classification much used in France. In England the Hookers cover two generations, Sir W. J. Hooker, the father, besides being a botanist of general renown was the greatest authority of his day on ferns; while of Sir J. D. Hooker, the son, the successor of his father as director of the Royal Gardens at Kew, the works I have cited above will suffice. Again the Darwins. Of Erasmus Darwin, the grandfather of Charles, I have already spoken; his son was a man of no mean repute in his way; his grandson, Charles Darwin, of whom more anon, though of whom the mere name is sufficient mention, while here there bids fair to be still a fourth generation.

Amongst German works on Systematic Botany I must mention two, one of which your library does not possess, but I hope soon will, while the other it already has upon its shelves. The former is the "*Genera Plantarum Secundum Ordines Naturales Disposita*," of Stephen Endlicher, of Vienna (1836-1850) a truly great work, and the only account, at all complete, of the genera of plants between that of A. L. de Jussieu, in 1774, and that of Bentham and Hooker just completed.

The second of these works is Reichenbach's "*Icones Floræ Germanicæ*," illustrations of the German Flora, extending from 1837 to the present time, a book which on a larger scale recalls Sowerby's "English Botany."

While thus activity has marked the century in what is commonly called Systematic Botany, the study of those minuter forms of vegetable life which are devoid of what is known as a flower, and hence are called the Cryptogamia, has not been neglected, whether here or elsewhere, as your library furnishes copious evidence. Time will only permit

me to indicate here a few. Greville and Berkeley, the English Cryptogamists of the last two and present generations, supply two general works, the former "The Scottish Cryptogamic Flora" (6 vols. 1823-8) and the latter "Introduction to Cryptogamic Botany" (1857). An exceedingly valuable work is Hofmeister's "Higher Cryptogamia," translated by Currey, published by the Ray Society.*

Here it is desirable that I should adopt some method of grouping; and in order to give a general idea of the works which are at present in the Library, or at least the more important of them, I will take first of all the group of the Algæ, the so-called and wrongly called "Sea-weeds," inasmuch as they include very many hundreds of plants which live in fresh-water only. Of these there are Greville's "British Algæ," published in 1830. There are two great works by the two Agardhs—the one of "Illustrations of European Algæ," and the other "The species, genera, and orders of Algæ," in three volumes, published in 1848-76. Again you have Harvey's (perhaps the leading British Algologist) "Maritime Algæ of North America." You have also his "Australian Algæ," and his work on "British Algæ," of which I have one of the volumes here. With these must also be placed one of the greatest works of modern times upon Algæ, that of the French botanist, Thuret. Another work I hope will be added to the Library shortly, carried out by Thuret in co-operation with M. Bornet. They are folio works, and if anyone wishes to examine really magnificent specimens of lithographic work I could not recommend them to any better example. Added to them there is Hassall, who is better known perhaps for his studies of food adulteration, with his

* Amongst the publications of this Society are several others of considerable botanical importance, including amongst others Masters' "Vegetable Teratology."

two volumes on British fresh-water Algæ. And last, but greatest of all Kützing's "*Tabulæ Phycologicæ*," 20 vols., 1845 to 1871. Amongst Fungi I am afraid that the Library is somewhat poor. The veteran Berkeley is represented by his "*British Fungology*." There are various works by Cooke, and there is the "*Grevillea*," a monthly serial, devoted mainly to this particular section. Of important foreign works I fear we have at present none. In connection with perhaps one of the most interesting of all groups of plants—the Mosses, there are a number of very fine works. There is Hedwig's "*Muscorum Frondosorum*" in five volumes, published in 1811. There is Schimper of Strasburg's "*European Bryology*," of which I have an example here showing the beautiful style of the work. By the way this reminds me that here is another case of the family relation I spoke about, because Professor Schimper, the great bryologist, and likewise one of the greatest authorities of the day on palaeontology, is succeeded by a son, who, if one may venture to prophecy, will, in another 20 years, be looked upon as one of the leading German microscopical botanists. Then there is this grand work of Wilson, unfortunately very difficult to obtain at the present time. The character of the copper-plate is so fine that it bears magnifying to a very considerable degree, indeed some of the details of the work cannot be made out except by the use of a magnifying lens. In addition to these you have some modern works of Braithwaite, one of them being the "*British Moss Flora*" and another "*Sphagnaceæ or Peat-mosses*."

Among fern works there are several by Sir W. J. Hooker, whom I have already mentioned. He was formerly Professor of Botany at Glasgow and director of Kew. He also worked in connection with Greville, whom I

mentioned a little while ago. Then there is T. Moore, whose "Nature-printed British ferns" I have here. Of course "nature printing" is only a phrase. And there is also his probably better known "Popular History of British Ferns," in one volume (1851).

There is a series of books which I should mention now though they include grasses. Among them is one by E. J. Lowe on British and Exotic ferns, published in 1871 and 1872—small works of a semi-popular character, which are suited to those who cannot follow the technical details which cumber rather than enrich the bulk of botanical works. Following these there is F. G. Heath, who is best known perhaps as the writer of the poetical half-truths in the "Fern Paradise," and the "Fern World," into which he has elaborated a certain amount of—I don't say fiction but poetical expansion. As I am here summarising a number of works, I might add to those mentioned certain works of reference which it is desirable should be, and which are now, in the library. They are such works as Pfeiffer's "Nomenclator Botanicus," and his "Synonyms." I might stop here to explain that a great many plants, like a great many people, of doubtful character, have aliases. Plants are often known by a considerable number of names, and it is sometimes a difficult matter for a botanist, as it is to the policeman, to make out whether he has got hold of the right person; so that a book of this kind, which is devoted entirely to the elucidation of botanical nomenclature does a similar service to those picture galleries which the governors of most prisons of the present day possess, by means of which they can tell whether they have the right man or not. Then there is an equally valuable—perhaps all round more valuable—work by Pritzl, "Thesaurus of Botanical literature," which gives a statement up to 1877

of everything which has ever been written on matters botanical, the author's name, the subject, when it was published, where it was published, and the extent. It is a case too of double entry. In one part of the volume there are the authors, and in another part the subjects. To complete these there are two works by B. D. Jackson, which have recently been published under the auspices of the Index Society, and which you have in the library. One of them is the "Literature of Botany," which continues Pritzel down to the present time; and the other "Vegetable Technology," which is of a very elaborate character, published in 1882. To these I may add a little dictionary—Lindley and Moore's "Treasury of Botany," a useful little book which I should like to see re-edited and enlarged. Another popular and interesting work is Pickering's "Chronological History of Plants," in which the author takes every plant, and tells you everything which is known about it, not only on botanical but on mythical folk lore, and making up altogether a work of very marked popular interest.

For the purpose of students I might venture to note a few of the books they might use with advantage.

A large number of "manuals" will be found, those of Bentley and Henfrey being perhaps the best, passing on then to that of Sachs. For students of our own flora, I would recommend Hooker's "Students' Flora" as par excellence, *the* British Flora, while Babington's "Manual of British Botany" while less generally useful and more cursorily technical, has through repeated editions arrived at well-nigh absolute accuracy. For broader systematic purposes, I would then recommend Hooker's translation of Le Maout and Decaisne's "System of Botany," and Baillon's "Natural History of Plants." But I cannot conclude this lecture without referring above all, to

what I consider to be the books of books for the study of all who aspire to be philosophical students of nature. There is one who has so comparatively recently passed away that he still seems to live and speak to us, aye, who does live and speak to us through his work. I well remember, five years ago, standing in the galleries of the Senate House at Cambridge, looking down upon a scene such as is rarely witnessed within those walls. In the centre of the crowded floor stood the figure of a man, aged with work and ill-health rather than with years, whom all that was great and good that Cambridge owned amongst her sons were gathered there to honour. Every branch of academic learning was there, aye, and foremost amongst them were men who, fifty years before, would have thought of such a scene with unmingled horror, as public honour done to England's foremost blasphemer in the chief home of English Evangelical Protestantism. But Charles Darwin had lived, if not to silence, at least to soothe opposition, and there he stood, acknowledged by his most determined opponents to be worthy to receive the highest honour that Cambridge can give, and does so rarely give, to her most distinguished sons.

I cannot now enter into details of the life work of the great naturalist whom botanists claim as specially their own.* The constant complaint that modern scientific work is almost entirely destructive cannot apply to him, for with Darwin destruction and construction go hand in hand. While none more than he have laboured strenuously to break down the barriers of ignorance and prejudice, which, like the "Sea of Ancient Ice," fence around the still unconquered pole of the biologist, with equal zeal did he labour to build up clearer, and, we

* To escape the possible accusation of Plagiarism I may state that I have extracted here a few sentences almost unchanged from an unsigned article I wrote in the *Spectator* some years ago.

would fain say, truer conceptions of what, in its diverse manifestations, life is. Whether we look upon his works as models of legitimate deduction, or merely as marvellous store-houses of facts, their value is the same. The qualities impressed on those researches whereby he revolutionised the study of biological science are met with in all his handiwork, and add to his writings this further value, in that they serve as perfect models for the younger student to follow. If England is to build up a school of botanical philosophy like those which are possessed by France and Germany, and which ought to be possessed by the country of Ray, of Grew, Andrew Knight, and Robert Brown, and the Hookers, it will be through the careful study by our younger botanists of the method followed by such a master as Charles Darwin. What Linnæus did in the 18th century for systematic botany and zoology, that has Darwin done in the 19th for animal and vegetable physiology; he has furnished a centre for working, and has raised a school to work. The Darwinian hypothesis may be swept away, but Darwin's work will live for ever.



BIRMINGHAM REFERENCE LIBRARY LECTURES.

ON SOME ART BOOKS IN THE REFERENCE LIBRARY.

The subject of the Lecture, which I have undertaken to deliver to you, is on some of the books on Art in the Reference Library.

If you will turn to the admirably arranged Catalogue of the Library, under the heading "Artists, Art, and Arts," you will find the bare enumeration of works on these subjects fills twenty-three pages of that Catalogue. It will be readily inferred from this statement that it is not my intention to inflict upon you either a description, or a criticism of, or even a reference to the whole of this great mass of literature upon Art subjects. I mean on the contrary to limit my survey within a comparatively narrow field, but I may, at the outset, indicate some of the principal provinces of Art and matters thereto pertaining, which are accessible to any burgess of Birmingham.

Under the head of "British Museum; Antiquities; &c.," you will find works descriptive of Egyptian, Assyrian, Greek, and Roman Sculpture, vases, etc., in that world-famous collection of Ancient Art. Or you may, under the guidance of Mr. W. C. Perry, in his "Greek and Roman Sculpture," follow the rise, the development, the glory, and the decadence of Classic Art.

In like manner you may trace the history of the kindred and equally beautiful Art of Painting from its earliest Italian revival, by Cimabue and Giotto, through that brilliant succession of great artists in the 14th, 15th, and 16th centuries, which has made Italy for ever famous in the annals of Art; and through the early German, the Flemish, and Dutch Schools, to our own Sir Joshua Reynolds, Gainsborough, and Hogarth.

Mrs. Jameson's "Early Italian Painters," and her "Sacred and Legendary Art;" Crowe and Cavalcaselle's "Handbooks;" Kugler "Handbook of Painting, Italian Schools;" Kugler and Waagen "Handbook of Painting—German, Flemish, and Dutch Schools;" Wornum "Epochs of Painting," are the books to consult; while the plates, mostly executed in chromo-lithography, published by the Arundel Society, are valuable as reproductions for the study of the Italian and early German masters, to those to whom the originals are not accessible. For criticism on our modern school of Landscape Art it is needless to refer you to Mr. Ruskin's "Modern Painters," for to Mr. Ruskin we owe it that our great landscape painter, Turner, has been accorded by common consent of Art critics in England, a position of preëminence without a rival and without a second.

The Reference Library contains the following works illustrative of Turner's Art:

"Liber Studiorum," "Harbours of England," "River Scenery

of France," and the "Turner Gallery" of engravings from some of his principal pictures, with a descriptive and illustrative text, by Wornum. Then there are the lives and works of great Artists, in thirty-two volumes, a most tempting and delightful library in itself, which would occupy us all the evening if we were so much as to dip into it, and indeed many other biographical works, any one of which might furnish the subject for an essay. Gilchrist's "Life of Blake" is an interesting example. Then there are Hamerton's "Etching and Etchers," and other interesting works by the same author, Hogarth's Works, the Holbein Society's Publications—but I need not extend the list, suffice it to say here you may read the lives, and acquaint yourselves with the works of all the greatest painters and sculptors, in short, with the history of all graphic and plastic Art from that found in the monuments of antiquity, whether Egyptian, Phœnician, Greek, or Roman, and so on through the Gothic and Renaissance periods down to the Art productions of yesterday.

Or if we turn to Decorative Art we shall find all the East—Persia, India, China, Japan—has been ransacked for beautiful examples. There is no country of the world which has not been made to contribute to the wealth of beauty in form and colour which is there accessible to the student. There the strict connection of Archæology and Art—the way in which, in all times, men's thoughts, their worship, their traditions, and mythology, are indissolubly associated with their Art, which was and is a language for the expression of thought and emotion—may be studied. How Art was a flower that blossomed in the daily paths, the household round of every man, may be seen in the decoration of every utensil of daily service, in the dresses, in the arms, the coins which men used and wore and

passed from hand to hand. And the conclusion will force itself on the mind that art can never properly flourish as the exclusive possession of the great and wealthy, but that it is the natural and inalienable dower of all,—rich and poor, noble and simple,—and that, therefore, it becomes as serious a subject of study as any of the most grave and important which make for the happiness and welfare of mankind.

Then the wider the field, the more plenteously-stored the treasure house, the more needful it becomes to accept some limitations, to adopt some method, or we shall be lost in wanderings without any clearly discerned end, and be hopelessly encumbered with the riches which we seek to bear away.

In what I propose to say to you to-night I shall only attempt to deal with some of the humbler applications of Art in the decoration of pottery, glass, and metal, leaving the Parthenon, the Vatican, and the Sistine Chapel—the great Sculptors and the great Painters, to those who are more competent to speak of them than I am.

The division of the subject which I have chosen is quite wide enough to fill up the time at our disposal, and will, I think, be of more practical service to the majority of those students in our School of Art, and those engaged in Art industries who have recourse to the Art Section of the Reference Library, than a more comprehensive survey of this section could possibly be. But before entering into any details as to the works to be consulted, which are necessarily of unequal value, and sometimes conflicting in tendency, it will be well to try to fix in our minds some canons of taste and principles of selection, and so direct our attention to the books in which this guiding knowledge, the importance of which cannot be exaggerated, can be found.

I believe the surest way of arriving at a true sense of the value

and purpose of Decorative Art, its limitations and excellence, is to study it in its relation to architecture. It has been truly said, by Mr. Ruskin, that the Fine Arts, Sculpture, and Painting, are put to their noblest uses in the decoration and illustration of National Architectural Monuments. And what is true of the highest Art is also true of the humblest decorative Art; it is good or bad in relation to the building in which it is to find its home, whether this building be a Cathedral, a Palace, a Court of Justice, a House of Parliament, a Town Hall, or a simple dwelling.

There is another reason why decoration is best studied in connection with Architecture; and this is that in Architecture we are constantly reminded of the principles of construction, and unless these principles, or some of them such as balance, proportion and unity, are habitually kept in sight, decorative design is apt to run riot, to become meaningless, lifeless, lawless, and fantastic.

Further, in decorating a building, whether the material worked be stone or wood or metal, the designer learns to think of the material in which he works and the effect of his work in relation to the whole; two considerations which are essential to right ornament and its introduction with right and happy effect.

Now I know of no works in which the truths which underlie good and beautiful Architecture can be better studied than in Mr. Ruskin's "Seven Lamps of Architecture" and his "Stones of Venice;" and to these works I would refer any student who really wishes to acquire an intelligent appreciation of what is true and beautiful in Art, and to understand its motives and aims.

I think one of the first thoughts that will strike the student of Mr. Ruskin will be what has been most happily termed his wonderful "ethical instinct." This is at

the bottom of all his teaching whether about art or political economy or what not. This is the touchstone with him of everything that professes to be lovely or admirable—does it win our love and compel our admiration in harmony with the forces of our moral nature? If not; whatever cleverness or dexterity it supposes in the artist, however showy and magnificent it may seem, it is in fact a hideous deformity. I make this remark because the reader of the “Seven Lamps” whose conception of art is simply the production of some object pretty and agreeable in form and colour—a tickling of the sense kindred to that produced by eating and drinking what we like—will probably be scared from the further perusal of a work on art which begins with a chapter entitled “Sacrifice,” and ends with one headed with the ominous word “Obedience.”

Now, it may be asked,—What has the principle of “Sacrifice” to do with Art? In answer to this supposed question I will only repeat an observation which I heard fall from the lips of one of the greatest and most conscientious of our living painters, Mr. Burne-Jones. We were talking of the builders of the old Cathedrals, one generation of whom were content, in a spirit of quiet self-abnegation, to confine their work to the simple laying down of the foundations on which following generations might erect the glorious superstructures which still command our admiration and fill us with delight; and contrasting this spirit of faithful self-sacrifice with the modern hasty love of glorification and impatient demand for an immediate return for the expenditure of time or treasure,—“The fact is,” said Mr. Burne-Jones, “that Art means infinite sacrifices all round.” Mr. Ruskin will be found to agree with this somewhat subduing statement of a conviction,—subduing that is, in the sense of being a rebuke to most of us who have too

often lightly assumed that the work of great artists which has delighted us had cost them no great devotion of life and thought and labour. The "Spirit of Sacrifice," writes Mr. Ruskin, "prompts us to the offering of precious things merely because they are precious, not because they are useful or necessary." And again, "It is therefore most unreasoning and enthusiastic and perhaps best negatively defined as the opposite of the prevailing feeling of modern times which desires to produce the largest results at the least cost." Without pretending to accept all the arguments and illustrations which Mr. Ruskin employs to enforce the principle of sacrifice as an essential to true Art, I would direct your attention particularly to the practical conclusions embodied in section X. to the end of the chapter.

The second chapter of Mr. Ruskin's "Seven Lamps," deals with truth as an essential of all noble Art—honesty is the golden rule of right, while deception of any kind is ignoble and fatal to Art. Thus—painting wood to look like marble is false and contemptible; even to carry imitation in painting to the point when it becomes deceptive and for the sake of deception is wrong—and only excites the sense of wonder like the tricks of a conjuror. It is abhorrent to true Art, which seeks to present the thing represented only in those respects which are most beautiful and lovable, and which have been felt delightful by the artist; it is abhorrent to the true artistic spirit which knows it can only follow Nature at a humble distance in what in her is most admirable, and which concentrates all its resources in doing this; humbling the pride of craftsmanship from the position of master to that of faithful servant, and preferring before the gratification of easily earned applause through mechanical excellence a reverent admission of failure in higher aims.

The third chapter on the "Lamp of Power" contains much subtle analysis and weighty criticism, but is almost exclusively applicable to Architecture and has little bearing on any but purely Architectural decoration.

The fourth chapter on the "Lamp of Beauty," which treats of ornament is applicable in its main conclusions to all decorative Art, and cannot be too carefully read or pondered. The definition of ornament is thus given:—"It must consist of such studious arrangement of form as are imitative or suggestive of those that are commonest" (that is of most frequent occurrence) "among natural existences, that being of course the noblest ornament which represents the highest orders of existence. Imitated flowers are nobler than imitated stones; imitated animals than flowers, imitated human form of all animal forms the noblest."

The principles which should govern the use of and the manner of getting the richest decorative effect out of colour, seem to me especially worthy of study in this chapter; the more so as they traverse and dispute some received rules of practice, as, for instance, that form can be enforced by the application of colour; whereas Mr. Ruskin maintains that the value of colour is rather to confuse and veil form than to bring it out in relief, and instances the spots and stripes in birds and animals, and the bands and blotches of colour in flowers, which do not correspond with their forms, as a proof of this.

The chapter on the "Lamp of Life" enforces the truth of all others most important to the decorative artist—"That no inconsiderable part of the essential characters of Beauty depend on the expression of vital energy in organic things, or on the subjection to such energy of things naturally passive and powerless." "That things in other respects alike are noble or ignoble in proportion to the

fulness of the life which either they themselves enjoy, or of whose action they bear the evidence,—as the sea sands are made beautiful by their bearing the seal of the motion of the waters.” “And this is especially true of all objects that bear upon them the impress of the mind of man; they become noble or ignoble in proportion to the amount of the energy of that mind which has been visibly employed on them.”

The chapter is devoted to the expansion and illustration of this central idea. Thus, slavish imitation is bad; unintelligent adoption of old forms is bad; ornament that is good suggests growth, like that of a tree, not the mechanical bringing of dead members together; all good ornament was a delight to the artist, and came warm and living from his heart and brain; if he had no joy in it himself it can give no true pleasure to anyone else. The charm of hand-work is in its expression of the moods of the worker, and without this variety might as well have been turned out by a machine. It is the lifeless character of machine-work which makes it detestable in art, besides the falsity of pretending to be what it is not—hand-work, which is a sin against the spirit of truth.

The Sixth Chapter, on the “Lamp of Memory,” deals with architecture as a memorial and monumental art, and is less applicable than those that precede it, to the subject of Art generally, though it should be read for its enforcement of one of the principal purposes of Art, and, if for nothing else, for its eloquent condemnation of that pestilent destruction of ancient monuments which is called “Restoration.”

The Seventh Chapter, on the “Lamp of Obedience,” deals with the subject of a “National” style in architecture, and with architecture itself as “the beginning of arts, which will follow her in their time and order.” When we remember

how eclectic our decorative Art has become—how we borrow from every nation under the sun—too often servilely copying what has been done by foreign artists under entirely different conditions of life and thought from ours, we at once feel the truth of the warning given in this chapter, that, if we are to have a living art it must be national and indigenous to the English soil and sky. That the first step towards originality is restraint and submission to well-defined and accepted conditions, and that these conditions are already fixed for us by our race, our country, the associations of the past, and the inheritance from our forefathers. We cannot be Greek, or Japanese, or Arab, or Indian; if we are to be anything we must be English—the English of to-day. This does not preclude the study of the art of foreign peoples, and of other times; we may study, enjoy, and profit by the art of all nations and ages, for the same principles underlie all Art; but the vital character of our Decorative Art is its expressiveness, and no exotic Art can speak to us in the language which we best understand, which has for us the sweet persuasiveness and the sacredness of a mother-tongue.

I shall not attempt an analysis of the “Stones of Venice,” to do so would occupy too much time, and would be beside the object I have in view. Generally speaking, Mr. Ruskin’s aim is to vindicate the claims of Gothic Architecture to our love and veneration, as against the so-called Classic and Renaissance styles. I say so-called, because the Greek Temple, which we pretend to imitate, was little more than a setting for the beautiful and inimitable sculpture which was the beginning, the middle, and the end of Greek Art. When a Pheidias is born among us, we may rival Greek Art, and, until that very improbable event, we shall do well to banish Greek pediments and freizes from our buildings,

as uninteresting in themselves, and as only serving to make our destitution in the highest form of plastic art more apparent. For the contrast which Mr. Ruskin draws between the spirit of the pride of intellectual power, the ostentation of science, and the pompous magnificence which characterise Renaissance Architecture, and the humility, tenderness, and reverent worship of natural beauty which we read in the monuments of the best Gothic period, I must refer you to Mr. Ruskin's own pages, believing that you will arrive at the same conclusion as this most eloquent and profound of our writers upon Art, viz., that the Gothic spirit is that which for our Northern peoples will lead to the highest excellence and the noblest achievements, if indeed it be not the only one which will lead us to excel and to produce a noble and worthy art—one that shall express our truest feeling, and embody our highest aspirations. I may, however, give one quotation from the opening chapter which Mr. Ruskin entitles "The Quarry," in which he traces the origin and history of all European styles, and in which he shows how East and West each contributed elements which combined to form modern Art—how they met at Venice as on common ground, and how, as a consequence the form and essence of Modern Art is best studied in the crumbling walls, the half-ruined mosaics, the glorious pictures still to be found in the churches, the palaces, and silent canals of that beautiful and dreamlike city.

"The work of the Lombard was to give hardihood and system to the enervated body and enfeebled mind of Christendom; that of the Arab was to punish idolatry, and to proclaim the spirituality of worship. The Lombard covered every church that he built with the sculptured representations of bodily exercises—hunting and war. The Arab banished all imaginations of creature-form from his temples, and

proclaimed from their minarets 'There is no God but God.' Opposite in their character and mission, alike in their magnificence of energy, they came from the North and from the South, the glacier torrent and the lava stream; they met, and contended over the wreck of the Roman Empire; the very centre of the struggle, the point of pause of both, the dead water of the opposite eddies, charged with embayed fragments of the Roman wreck, is—Venice. The Ducal Palace of Venice contains three elements in exactly equal proportions—the Roman, Lombard, and Arab,—it is the central building of the world."

After mastering the principles which govern constructive and decorative Art in buildings, we may turn to the decoration of objects found in those buildings.

A large proportion and that the best decorative art of the Gothic period which remains for us is ecclesiastical. A compendium of such arts will be found in Du Sommerard "*Les Arts au Moyen Age*," which covers the period from the 8th to the 17th centuries. This work treats of Architecture, Civil and Ecclesiastical; Wood Carving, such as stalls in Cathedrals, Bishops' Thrones, Large Chests, Furniture, Metal Work, Armour and Swords, Enamels of Limoges, Illuminated MSS., Minatures, Portraits and Sculpture of the 16th Century. It illustrates French Art of the period named, and is particularly rich in wood-carving and inlaying.

Then there is "The Locksmith's Art and work in wrought iron of the middle ages, and the Renaissance," in the French work by Hefner-Alteneck. The first part of the work is devoted to German metal work—Locks, Keys, Hinges, Knockers, Chest-Mouldings, Candelabra, &c., of the 15th and 16th centuries, all Gothic in style. The later divisions of the work include French and Italian work, which may be compared with the German for greater delicacy

and grace. The German work is somewhat angular and geometrical in character, firm and vigorous, but wanting in the flowing lines and graceful fancy of the Italian and French Artists. Compare for example plates 61, 62, with the ironwork from a door of Nôtre Dame at Paris. After this old work the student may consult with advantage the "Designs for Gold and Silversmiths" of Welby Pugin, consisting of Cups, Tankards, Spoons, Salvers, Candelabra, and Church Plate. Also designs for iron and brass work by the same artist. These are the works of a man of genius thoroughly penetrated with the spirit of Gothic Art, and notable alike for beauty, inventiveness, and correct taste. If we are to have a revival of Gothic Art it must be by the leading of men like Pugin, who, with a thorough mastery of the old art maintain their originality, and never degenerate into mere copyists and imitators.

Another comprehensive work on artistic metal work is the "Histoire Artistique du Métal," by René Ménard. The first part of this work illustrates Græco-Roman Art by the bronzes in the Museum at Naples, which, like all plastic art, instinct with the Greek spirit and traditions of workmanship, is in its lifelikeness, easy grace, and severe beauty simply inimitable by modern sculptors. Then there is the metal work of the middle ages—to use a vague but convenient description for all that is not modern and is not classic—the finest example of which is the bronze statue of Colleone in Venice; probably the finest equestrian statue of the Gothic and later times in the world. We may learn from this embodiment of Venetian chivalry and valour—an armed Knight of stern features and commanding carriage sitting his charger with a graceful and perfect horsemanship—what the modern sculptor must learn to do, if his work is to have any interest for his contemporaries or posterity. No

faint echoes of Classic Greece or Imperial Rome can command our attention or engage our love and admiration. If he cannot see and make us feel the hero in the Citizen or Soldier of his own day he had best give up his art and turn honest stone-mason. The second part of Ménard's work illustrates modern metal work, arms, and armour—Damascened and Répoussé work, very fine Locksmith's work ; Jewellery from the 15th to the 19th century, Enamels, &c. The least valuable part of the work is that which describes the most modern productions.

Yapp's is another book illustrative of metal work. It is called "Art work applied by the Goldsmith, Silver-smith, Jeweller, Brass, Copper, Iron, and Steel Worker, Bronzist, &c." It has an introduction descriptive of processes, and illustrated by 1200 engravings and diagrams, good, bad, and indifferent. It is a compilation which would be useful to art workers, but does not seem to me to aim at a very high artistic standard.

The other chief works on artistic metal working are Giraud "Les Arts du Métal," a descriptive catalogue of the chief objects in the Paris Exhibition of 1880. The Limoges Enamels and 13 century Metal Work are the best worth study.

Peyre "Orfèvrerie," &c. Designs in the Renaissance style, in my opinion of little worth.

Shaw "Ornamental Metal Work," which is mostly modern and bad.

Luthmer "Joallerie de la Renaissance," illustrated with coloured plates.

Wyatt "Metal Work and Artistic Design." Examples of foreign and English Iron, Bronze, and Gold and Silver-smiths' work. A useful book with numerous plates.

Then there are good examples of Metal Work in Shaw's

"Dresses and Decorations of the Middle Ages," a book which is interesting also in an archæological and historical sense, as descriptive of the manners and life of our ancestors. But the most learned book descriptive of the manners, customs, commerce, industry, science, arts, literature, and fine arts of the time of chivalry, and the period bordering on it is Lacroix et Seré's "*Le Moyen Age et la Renaissance*." In these five bulky volumes there is food enough to satisfy the most voracious appetite for Mediævalism. And whoever wishes to picture to himself the life, occupation, thoughts, and ways of the period which preceded our Modern European era may betake himself to this work with the hope "That digestion may wait on appetite." It is profusely illustrated.

King's "*Study Book of Mediæval Architecture and Art*" is a laborious and useful work, to which the Architect and Student of historic styles may be referred. The Architectural drawings are to scale and based on actual measurement.

Pottery, besides being one of the most ancient of the Arts, is also one of the most attractive and interesting; both on account of the beautiful shapes which at all times have been given to vessels, whether useful or decorative by skilful manipulation on the potter's wheel, and also from the lovely colours and rich glazes which have been discovered to adorn the surface of the baked clay.

The Reference Library is particularly rich in works illustrating ceramic art. The first to which I will refer you is also one of the best, "Jacquemart's "*History of Ceramic Art*," which claims to be a descriptive and philosophical study of the pottery of all ages and nations. It is a learned book illustrated by beautiful etchings.

Then there is the "*Description Méthodique du Musée*

Céramique de Sèvres," by Brongniart et Riocreux, with coloured plates of the objects in the Museum of Sèvres, which contains a most extensive and systematic collection of the pottery of all nations, ancient and modern.

The work of Lenormant et de Witte "*Monuments Céramographiques*" should be consulted by anyone interested in Greek and Roman pottery. It is a comprehensive work giving almost unlimited examples of the designs illustrative of Classical Mythology found on Greek and Roman Vases.

China and Japan have long attracted the attention of collectors of porcelain, by their perfection of manufacture and rare beauty of colour and design, as is shown by our name for such pottery being derived from China. There are two works, both of great excellence, in the Library devoted to the study and illustration of the Ceramic Arts of the far East.

The first by Du Sartel, entitled, "*La porcelaine de Chine, Origines, Fabrication Décors et Marques.*" A most elaborate work beautifully and copiously illustrated with coloured plates and etchings for the instruction of the collector or advanced student of Chinese Art.

A first-rate work on Japanese art is that of Audsley and Bowes, "*Keramic Art of Japan.*" An introductory Essay illustrates and explains the motives of Japanese Art. The second part of the book consists of an essay on Ceramic Art illustrated by coloured plates of great beauty. In connection with this latter work it will be well to study Cutler's "*Grammar of Japanese Ornament.*" The introduction embraces a description of the Architecture, Sculpture, Painting, Lacquer, Ceramics, Textile fabrics, Metal Work, Enamels and Decorative Art of Japan. This is followed by an admirably executed analysis of ornament with 59 plates illustrative of Japanese drawings of natural objects—birds,

fish, insects, flowers, &c., and of the decorative designs founded on them.

In recommending the study of Japanese Art I feel bound to warn you against danger you may find yourself exposed to in two opposite directions. On the one hand Japanese decoration, so called, has become so hackneyed as after figuring on Dinner Ménus, to have fallen into the hands of advertising tradesmen, to grace their trade circulars and notices to customers, so that the dyspeptic looking storks, the disjointed stems of bamboo, and the spiky leaves which grow out of nothing, with which we have become so familiar as Europeanized expressions of Japanese Art inspire only contempt and loathing; and we are tempted to wish that originals and imitations could be alike forgotten. This would be most unfortunate, for true Japanese Art is a living and beautiful one,—is founded on the most tender love and closest knowledge of nature, and is built up on traditions and motives of the highest value, while the executive skill of the Japanese draughtsman and designer excites our unfeigned admiration. And here we may observe the close relation existing between religion and art. I do not now allude to the symbolical expression of religious ideas and beliefs which is to be found pervading all the best Japanese and Chinese art; but to the influence of religion on the artist. The Japanese are or at least were Buddhists, and the reverence for all forms of animal life is part and an important part of the religion of Buddha; thus the love and care for all living things have become an instinctive feeling with the Japanese, and this love is reciprocated by trust in man on the part of the lower animal creation. So much so that I have been told by Dr. Dresser that he has seen butterflies in Japan settling on the extended fingers of children, who—unlike our thoughtless boys and girls—

never hurt or pursue these beautiful insects which float in the sunny air like animated flowers or the brightest fancies of poets. Now this love of the animal creation and of nature generally will be found the pervading motive of Japanese Art. It is seen in the life-like drawings of the Japanese artist, which breathe the spirit of loveliness to be found in flowers and birds and fish, and indeed in every living thing. You cannot study these drawings without feeling that the artist loved what he delineates and that his art was also a delight to him. Now this love and this delight are inseparable qualities of any art which is worthy of the name. Therefore if you study Japanese Art (or indeed for the matter of that any art) study not with the object of trying to imitate it, which is the other and more fatal danger against which I seek to warn you, but with the hope of catching something of its spirit and feeling which will quicken your powers and stimulate your desire to do better in your own native art, the art which you have inherited and which is natural to the soil and climate of England. Of imitations we have had sadly too many and too much. There has been a fierce Japanese fever of late years which has passed over the United States of America and England, injurious to native art and degrading to that which was imported and imitated. Like other epidemics and fashions it will pass away, leaving the body of art enfeebled, sickened and distorted; a malady for which country air, viz.: the air of our own country, and simple diet is to be prescribed.

I hope that none of you will fall victims to the disease, a fate that you may escape by resolutely refusing to copy anything Japanese. This does not shut you out from the study of veritable Japanese art; and there is a feature in the decorative art of Japan to which I wish to direct your attention.

One of the studies in all our Schools of Art for which South Kensington offered prizes was what was called "The analysis of flower forms." The object being to pull an unhappy flower to pieces and to get suggestions for decorative patterns from the petals arranged in more or less geometrical order. Now in doing this the whole beauty of the living flower which consisted in its life, is lost, and what remains is dead, mechanical and uninteresting. No one who loves flowers will so torture them or take pleasure in seeing them so tortured out of all likeness to God's work. This receipt for manufacturing designs was always a bad one, and I am happy to think is now discountenanced by all good art teachers. Now how does the Japanese artist get his ideas for decoration from nature? Always by an exact representation as far as his purpose goes of the object which he works into his design. He may take both form and colour or form without an exact imitation of colour; or simply an abstract of the form itself; but his most abstract treatment still suggests the original. It may be only half-a-dozen strokes and dots of the brush for a bird's head, still it suggests a bird's head, and nothing else. You will find a plate of such drawings in Mr. Cutler's work beginning with a careful study of a bird's head, and getting more and more sketchy till we have nothing but an abstract of the object studied left.

This I take to be the true method of getting decorative ideas from natural objects, and this I have no hesitation in proposing for your imitation.

Enough of Japanese art; but before quitting the subject of Ceramic art I must not forget the creator of modern art pottery in England, Josiah Wedgwood, and the revival of classic elegance in decoration which we owe to the genius of John Flaxman.

Jewett's "Ceramic Art of Great Britain," and Miss Meteyard's "Wedgwood and his Works," and her "Life of Wedgwood," tell the story of this most important revival of a well-nigh decayed industry, and of the two men—Wedgwood and Flaxman—manufacturer and artist—working loyally and amicably together to procure so remarkable a result.

For my own part I am bound to confess that much as I admire the exquisite grace and spirit of Flaxman's designs, and the perfection of workmanship, which cannot be too highly praised in Wedgwood ware, I feel this classic revival to have been what the late Mr. J. H. Chamberlain happily termed an exotic art, and one which consequently fails somewhat to appeal to my insular and modern sympathies. There is nevertheless much to be learnt from it, and it was a notable departure, or rather beginning, of artistic decoration of modern English pottery.

We will now turn from Pottery to an almost kindred Art—that of Glass Making and Décoration.

To begin the study of this very interesting Art, we may take Apsley Pellatt's "Curiosities of Glass Making," which gives descriptions and explanations of processes and specimens of ancient glass.

"Glass in the Old World" by Wallace-Dunlop, is another handbook which may be recommended to the student who wishes to acquire knowledge on this subject, it being a work full of information collected from many sources.

"Marvels of Glass Making in all Ages" by A. Sauzay, is another useful handbook.

The more important works are the following:—"Glass Vessels in the South Kensington Museum," by Alexander Nesbitt, F.S.A., with an introduction historical and descriptive, and illustrations in chromo-lithography of glass from Egypt,

Phœnicia, Greece, Roman Empire, Byzantium, Italy, France, Spain, Germany, the Low Countries, the British Islands, and China.

"Histoire de l'art de la Verrerie dans l'Antiquité," par A. Deville. This is a beautiful work, copiously illustrated with examples of the highest excellence from the earliest times to the fall of the Roman Empire. A work of similar scope is "La Verrerie Antique" by W. Froehner on Greek and Roman Glass, with an historical and descriptive treatise on Antique Glass, illustrated by engravings and coloured plates of great beauty. There is an attempt at systematizing artistic glass according to the style of decoration and the objects imitated. As for example, the following are given in distinct classes:—Many-coloured;—Opaque;—Imitating precious stones;—Imitating the texture of wood;—Miniatures or Mosaics;—Ornamented with artificial gems;—In form of fruits, figures, faces, birds;—Ornamented with low relief;—and so on. A classification perhaps more fanciful than scientific, but at least indicating the many kinds of ornamentation employed by glass workers. Then there is the catalogue of glass in the Slade Collection, comprising many examples of Egyptian and Roman down to Venetian and Flemish Glass, freely illustrated.

I have not found any very good work on the beautiful Art of Glass Painting or Staining, but the following may be consulted:—"History of Stained Glass from the earliest period of the Art to the present time," by William Warrington. The illustrations seem to me poor. Winston "Ancient Glass Painting." Lakin "Potting, Enamelling and Glass Staining," a book of receipts.

I have nearly exhausted my list of the principal works on Decorative Art in the Reference Library. But there is still a branch of Decorative Art brought into prominence

by the work of the late Mr. Owen Jones, on the Alhambra to which I have not referred. It was not only in Spain that Arabian Art mingled with that of the West and Christianity; in the quotation which I have already given from the "Stones of Venice" Mr. Ruskin points out the profound influence which it exercised on all modern Art. Its characteristics are summed up in the following extract from the 20th chapter of the "Stones of Venice," which treats of the "Material of Ornament."

"It was contrary to the religion of the Arab to introduce any animal forms in his ornament; but although all the radiance of colour, all the refinement of proportion, and all the intricacies of geometrical design were open to him, he could not produce any noble work without *abstraction* of the forms of leafage to be used in his capitals, and made the ground plan of his chased ornament. But I have before noted that colouring is an entirely distinct and independent art; and in the "Seven Lamps" we saw that this art had the most power when practised in arrangements of simple geometrical form; the Arab therefore laboured under no disadvantage in colouring, and he had all the noble elements of constructive and proportional beauty at his command; he might not imitate the sea-shell, but he could build the dome. The imitation of radiance by the variegated voussoir, the expression of the sweep of the desert by the barred red lines upon the wall, the starred inshedding of light through his vaulted roof and all the endless fantasy of abstract line were still in the power of his ardent and fantastic spirit. Much he achieved, and yet in the effort of his overtaxed invention, restrained from its proper food, he made his architecture a glittering vacillation of undisciplined enchantment, and left the lustre of its edifices to wither like a startling dream, whose beauty we

may indeed feel, and whose instruction we may receive, but must smile at its inconsistency and mourn over its evanescence."

With this introduction characteristic of Mr. Ruskin in its profound insight and copiousness of facile word-painting, I will ask you to turn to the work, a very beautiful one, of M. D'Avennes "*L'art Arabe, d'après les Monuments du Kaire.*" It treats of Architecture, External and Interior; Woodwork, Glass, Tiles, Fabrics of silk and other Textile Material, Metal, Arms, and Armour, Illuminated MSS. &c., &c.

There you will find endless examples of that conventional line decoration in all its marvellous intricacies to which has been given the name of "Arabesques" as being characteristic of Arab Art; and there you will be able to take delight in the gorgeous but harmonious arrangements of colour which we also associate with the East.

An example of the magnificence of Byzantine Art, characterised by gorgeousness of colour and the lavish use of precious stones, will be found in the "*Antiquités de l'Empire de Russie.*" It consists of—(1) Images and Vessels used in religious ceremonial, and dresses of the Patriarchs of the Greek Church in Russia, &c. (2) Ornaments and dresses of the Czars. (3) Arms, Armour, Horse-trappings, Carriages. (4) Costumes and portraits. (5) Vessels and Utensils of domestic use. (6) Architectural Monuments.

My task is now concluded. If I have been able however imperfectly to make more widely known the treasures of one section of the Reference Library; and if as a consequence more readers should be sent to profit by these treasures, which belong to every student of this great community; if I have succeeded in indicating to any student of Art how he may save time and labour in prosecuting his studies;

if I have been able in whatever feeble manner to draw the distinction between true and false Art, and thus to open up the straight path to excellence, the object of this lecture will have been attained.





APPENDIX.

BOOKS IN THE REFERENCE LIBRARY, ON OR ILLUSTRATIVE OF LAW, JURISPRUDENCE, LEGAL AND CONSTITUTIONAL HISTORY.

Number.		No. of		
		Vols.	Size.	Date
28381	[Adams (H.)] Essays in Anglo-Saxon Law	1	8vo	1876
12329	Akber (Emperor) Institutes; from the Persian, by Gladwin ..	2	8vo	1800
	American Law; <i>see</i> Bouvier, Hilliard, Kent, Law, New York, Smith, Statutes, Story			
45531	Amos (S.) English Constitution and Government	1	duo	1877
42478	Amos (S.) Fifty Years of the English Constitution; 1830—1850 ..	1	duo	1880
12670	Amos (S.) The Science of Law	1	duo	1877
45517	Amos (S.) Science of Jurisprudence	1	8vo	1827
	Annuity Act; <i>see</i> Hunt			
71621	Anson (Sir W. R.) English Law of Contract	1	8vo	1884
22179	Austin (J.) Lectures on Jurisprudence; edited by Campbell ..	2	8vo	1879
55858	Bacon (F.) Elements of the Common Lawes of England ..	1	duo	1638
67446	Bagshot (W.) The English Constitution	1	duo	1872
53688	Bankrupt Law Consolidation Act, 1849; Rules and Orders ..	1	8vo	1852
	Bankrupt Acts; <i>see</i> Holdsworth, Sutton, Wright			
	Battle, Trial by; <i>see</i> Lea			
55786	Benson (L.) Remarkable Trials, from 1700 to 1840	1	duo	1880
71920	Bentham (J.) Theory of Legislation	1	duo	1882
4331	Bentham (J.) Works; edited by Bowring	11	8vo	1843
50624	Blakstone (W.) Laws of England	4	4to	1768-9
71901	—; with Notes by Chitty	4	8vo	1826
3893	—; the Students' Blackstone, by Kerr	1	duo	1879
71962	Blount (T.) Law Dictionary	1	fol	1717
52661	Bouvier (J.) Law Dictionary; United States of America ..	2	8vo	1883
43480	Bowyer (G.) Constitutional Law of England	1	8vo	1846
36506	Bowyer (G.) The English Constitution	1	duo	1841
43479	Bowyer (G.) Readings before the Society of the Middle Temple ..	1	8vo	1851
43478	Bowyer (G.) Universal Public Law	1	8vo	1854
31040	Bracton (H. de) De Legibus Angliæ; edited by Twiss	6	8vo	1878, etc
58495	Breulier (A.) Propriété Intellectuelle	1	8vo	1855
5239	Britton: the French Text carefully revised with English Translation, Notes, etc., by Nichols	2	8vo	1865
25488	Brodrick (G. C.) English Land and English Landlords	1	8vo	1881
71602	Brooke (W. G.) Six Judgments in Ecclesiastical Cases; Privy Council, 1850—1872	1	duo	1872
74871	Broom (H.) Commentaries on the Common Law	1	8vo	1884
27899	Brougham (Lord) British Constitution; Works, vol. 11	1	duo	1873
71622	Brown (A.) New Law-Dictionary	1	8vo	1880
73445	Burke (P.) Celebrated Naval and Military Trials	1	duo	1876
71604	Burlamaqui (J. J.) Natural and Politic Law	2	8vo	1791
71663	Burn (R.) Justice of the Peace and Parish Officer; edited by Maule ..	5	8vo	1869
40284	Buxton (T. F.) Crime and Misery, and Prison Discipline	1	8vo	1818
11931	Cabinet Lawyer; Popular Digest of the Laws of England	1	duo	1879
28266	Campbell (Lord) Lord Chancellors of England	8	8vo	1845-69
33043	—; American Edition	7	8vo	1851, &c.
32431	Campbell (Lord) Chief Justices of England	3	8vo	1858

Number.		No. of Vols.	Size.	Date
74275	Carpmael (A. and E.) Patent Laws of the World ..	1	8vo	1885
58839	Chancery; <i>see</i> Parkes, Pearce, Spence			
	Circumstantial Evidence; Criminal Proceedings in English Courts, Case of Donellan, etc. ..	1	8vo	1781
52609	Circumstantial Evidence; <i>see also</i> Phillips, Wills			
	Citizen Series, English ..	duo	1881, &c.	
	Vol. 1. Trail (H. D.) Central Government			
	" 2. Walpole (S.) Electorate and the Legislature.			
	" 3. Chalmers (M. D.) Local Government.			
	" 4. Maitland (F. W.) Justice and Police.			
	" 5. Wilson (A. J.) National Budget.			
	" 6. <i>Not Published.</i>			
	" 7. Fowle (T. W.) Poor Law.			
	" 8. Farrer (T. H.) State in Relation to Trade.			
	" 9. Jevons (W. S.) State in Relation to Labour.			
	" 10. <i>Not Published.</i>			
	" 11. Elliot (A.) State and Church.			
	" 12. Walpole (S.) Foreign Relations.			
	" 13. Payne (E. J.) Colonies and Dependencies.			
	" 14. Pollock (F.) Land Laws.			
	" 15. Craik (H.) State in Relation to Education.			
67671	Clark (A. M. & W.) Patents, Designs, and Trades Marks Laws ..	1	8vo	1884
25810	Cobbett and Howell, State Trials, 1163—1820, with Index ..	34	8vo	1809-28
56649	Cockburn (Lord) Life of Lord Jeffery ..	2	8vo	1852
71643	Coke (E.) Institutes of the Laws of England; Commentary on Littleton, edited by Butler ..	2	8vo	1832
71645	Coke (E.) Institutes of the Laws of England; Second, Third, and Fourth parts ..	4	8vo	1797
25487	Commercial Law; <i>see</i> Levi, Pardessus			
	Commons Preservation; six Essays written in Competition for the Peek Prizes ..	1	8vo	1867
	Constitutional Law, &c.; <i>see</i> Amos, Bagehot, Bowyer, Creasy, De Lolme, Disraeli, Fortescue, Fulton, Hallam, Hearn, May, Palgrave, Scott, Stubbs, Taswell-Langmead			
	Contract Law; <i>see</i> Anson, Gibbons, Pothier			
	Copyright; <i>see</i> Breulier, Hotten, Laboulaye, Law, Lowndes, Macfie, Pataille, Scrutton, Talfourd			
	Coroner, Law of; <i>see</i> Sewell			
33895	Cowan (H.) Land Rights of Scotland ..	1	8vo	1863
58864	Cowel (J.) Law Dictionary ..	1	fol	1708
71663	Cox (E. W.) Principles of Punishment; Criminal Law, &c. ..	1	fol	1727
55611	Creasy (Sir E. S.) Constitutions of the Britannc Empire ..	1	8vo	1863
53872	Creasy (Sir E. S.) The English Constitution ..	1	8vo	1872
24752	Creasy (Sir E. S.) The English Constitution ..	1	duo	1877
53873	Creasy (Sir E. S.) International Law ..	1	8vo	1876
36493	Criminal Proceedings, Principles of ..	1	duo	1846
	Criminal Law; <i>see</i> Cox, Stephen			
71606	Cumin (P.) Manual of Civil Law ..	1	8vo	1865
4206	Debrett's House of Commons and Judicial Bench 1878, 1882-3, and from 1885 ..	duo	1871, etc.	
71762	De Lolme (J. L.) English Constitution; with Introduction and Notes, by Stephens ..	2	8vo	1838
11294	De Lolme (J. L.) Constitution of England; edited by Macgregor ..	1	duo	1853
	De Vattel; <i>see</i> Vattel			
	Dictionaries of Law; <i>see</i> Blount, Bouvier, Brown, Cowel, Jacob, Spellman, Sweet, Tomlins, Wharton			
71623	Digby (K. E.) Law of Real Property ..	1	8vo	1884
62205	Dircks (H.) Patent Law; three Pamphlets ..	1	duo	1869
59605	Disraeli (B.) Vindication of the English Constitution ..	1	8vo	1835
71905	Domat (J.) Civil Law; Translated by Strahan, edited by Cushing	2	8vo	1850
	Ecclesiastical Law; <i>see</i> Brooke, Gibson, Hooker, Phillimore, Richter			
	Employers' Liability; <i>see</i> Ruegg			
	Equity; <i>see</i> Haynes, Spence			
52480	Erie (T. W.) Jury Laws and their Amendment ..	1	8vo	1882
	Fishery Law; <i>see</i> Pollock			
67425	Fortescue (Sir J.) Absolute and Limited Monarchy ..	1	8vo	1714
67424	Fortescue (Sir J.) De Laudibus Legum Angliæ; edited with Translation, by Amos ..	1	8vo	1895

Number.		No. of Vols.	Size.	Date
71952	Foss (E.) Judges of England; 1066—1864	9	8vo	1848-64
26870	Foss (E.) Judges of England; 1066—1870	1	8vo	1870
71961	Foss (E.) Tabulæ Curiales; Superior Courts of Westminster Hall, 1066—1864	1	8vo	1865
51439	Foster (J.) Hand List of the Men at the Bar	1	duo	1883
33247	France, Cinq Codes de l'Empire Français	1	duo	1812
	France; <i>see also</i> Rogron, Royer			
73535	Freeman (E. A.) Growth of the English Constitution	1	duo	1884
43705	Fulton (F.) Manual of Constitutional History	1	duo	1875
	Funds, &c., Law; <i>see</i> Royle			
21119	Gaius and Ulpian; Translated with Notes, by Abdy and Walker ..	1	duo	1874
25926	Gaius, Institutionum; Goschen	1	8vo	1842
71753	Gaius, Roman Law; with Translation and Commentary, by Poste ..	1	8vo	1875
71607	Gains. Roman Law; with Translation and Annotations, by Tomkins and Lemon	1	8vo	1869
	Game Laws; <i>see</i> Welford and Pamphlets on Law			
10811	Gibbons (D.) Law of Contracts; Weale's Rudimentary Series, vol. 50	1	duo	1875
26695	Gibson (E.) Codex Juris Ecclesiastici Anglicani	2	fol	1761
71608	Glanville (R. de) Laws and Customs of England; Translated by Beames	1	8vo	1812
12476	Glen (W. C.) Law on Public Health and Local Government	1	duo	1858
21098	Grotius, De Jure Belli et Pacis; with Abridged Translation by Whewell, Notes, etc.	4	8vo	1853
71911	Grotius, Natural Law, by Rutherford	1	8vo	1832
71907	Hale (Sir M.) Pleas of the Crown; edited by Emlyn Wilson and Dogherty	2	8vo	1800
71609	Hale (Sir M.) Common Laws of England; with Notes, etc., by Runninton	1	8vo	1820
71758	Hall (W. E.) International Law	1	8vo	1884
3894	Hallam (H.) Constitutional History of England; Students	1	duo	1875
26490	Hallam (H.) Constitutional History of England	3	duo	1876
71610	Hawkins (W.) Pleas of the Crown; edited by Curwood	2	8vo	1824
72085	Haynes (F. O.) Outlines of Equity	1	duo	1880
74110	Hazlitt (W. C.) Tenures of Land and Customs of Manors	1	8vo	1874
51111	Hearn (W. E.) The Government of England	1	8vo	1867
71751	Heineccius (J. G.) Universal Law; translated, with Notes, etc., by Turnbull	2	duo	1763
12475	Heron (D. C.) History of Jurisprudence	1	8vo	1860
41728	Hilliard (F.) American Law	2	8vo	1877-8
62916	Hindu Law, Institutes of Menu; edited by Haughton	2	4to	1825
	Hindu Law; <i>see also</i> Macnaghten, Strange			
71924	Hobbes (T.) Common Laws of England, works, vol. 6	1	8vo	1839
64136	Holdsworth (W. A.) Bankruptcy Act of 1883	1	duo	1884
71617	Holland (T. E.) Elements of Jurisprudence	1	8vo	1882
5058	Hooker (R.) Laws of Ecclesiastical Polity; edited by Keble ..	3	8vo	1874
58424	Hotten (J. C.) Literary Copyright	1	duo	1871
55003	Hunt (W.) Cases on the Annuity Act	1	8vo	1796
	International Law; <i>see</i> Creasy, Hall, Kent, Lawrence, Levi, Phillimore, Wharton, Wheaton, Woolsey			
58865	Jacob (G.) New Law Dictionary	1	fol	1750
60910	Jacob (G.) Complete Court Keeper; Courts-Leet, Courts Baron, etc. ..	1	8vo	1819
3812	Jardine (D.) Criminal Trials; Throckmorton, Norfolk, Raleigh, Guy Fawkes, etc.	2	duo	1846
71618	Jardine (D.) Use of Torture in England	1	8vo	1837
41115	Johnson (J. and J. H.) Patentee's Manual	1	8vo	1879
	Judges; <i>see</i> Campbell and Foss			
21118	Julianus (Salvius) Perpetual Edict; Fragments collecte and annotated, by Walker	1	duo	1877
	Jurisprudence; <i>see</i> Amos, Austin, Heron, Holland, Lindley			
	Jury Laws; <i>see</i> Erle			
71754	Justinian, Digest, Introduction to, by Roby	1	8vo	1884
21120	Justinian, Institutes; Translated, with Notes, by Abdy and Walker ..	1	duo	1876
5747	Justinian, Institutes; Translated, with Notes, by Harris	1	4to	1847
25928	Justinian, Institutes; Translated, etc., by Sanders	1	8vo	1865
25919	Justinian, Institutes de Justinien, par Ortolan	2	8vo	1847
49692	Justinian, Institutes, Ortolan's; Analysis of, by Mears	1	duo	1876
71639	Kent (J.) Commentaries on American Law	4	8vo	1828
71912	.. .. Edited by Barnes	4	8vo	1884
11844	Kent (J.) Commentary on International Law; Edited by Abdy ..	1	duo	1824

Number.		No. of Vols.	Size.	Da
63465	Kitchyn (J.) <i>Le Courte Leete et Court Baron</i>	1	duo	1585
58487	Laboulaye et Guiffrey, <i>Propriété Littéraire au XVIII siècle</i> ..	1	8vo	1859
58494	Laboulaye et Talfourd, <i>Propriété Littéraire; en France, et en Angleterre</i>	1	8vo	1858
58676	Lambard (W.) <i>Eir en ar cha; Offices of Justices of Peace</i> ..	1	duo	1610
	Land Laws; <i>see</i> Brodrick, <i>Citizen Series</i> , Commons, Cowan, Digby, Hazlitt, Madox, Ross, Williams			
28378	Law (S. D.) <i>Copyright and Patent Laws of the United States</i> ..	1	duo	1870-4
27349	Law List		duo	1881, etc.
26044	Law Society's Calendar		duo	1881, etc.
73139	Lawrence (T. J.) <i>Essays on Modern International Law</i> ..	1	duo	1884
58790	Lea (H. C.) <i>Superstition and Force; Wager of Battle, etc.</i> ..	1	8vo	1866
25932	Leapingwell (G.) <i>Roman Civil Law</i>	1	8vo	1859
	Leet; <i>see</i> Jacob and Kitchyn			
71909	Levi (L.) <i>International Commercial Law</i>	2	8vo	1863
13694	Liber de Antiquis Legibus; Camden Society Publications vol. 34 ..	1	8vo	1846
71616	Lindley (N.) <i>Study of Jurisprudence; Translation of "Thibaut's System des Pandekten Rechts"</i>	1	8vo	1855
61181	Lowndes (J. J.) <i>Law of Copyright</i>	1	8vo	1840
58534	<i>Second Edition</i>	1	8vo	1842
71614	Lyndwood (W.) <i>Provinciale; seu Constitviones Angliæ</i> ..	1	fol	1679
22399	Macfie (R. A.) <i>Copyright and Patents for Inventions</i> ..	2	8vo	1879-83
25931	Mackenzie (Lord) <i>Studies in Roman Law</i>	1	8vo	1862
26148	Maclean (J.) <i>Kafir Laws and Customs</i>	1	8vo	1858
62912	Macnaghten (W. H.) <i>Principles of Hindu Law</i>	1	8vo	1865
9033	Madox (T.) <i>Baronia Anglica; Land Honors and Baronies</i> ..	1	fol	1741
36059	Madox (T.) <i>Firma Burgi, Cities, etc., of England</i> ..	1	fol	1726
71619	Madox (T.) <i>History of the Exchequer of England</i> ..	2	4to	1769
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20. Excerpta Latina e Scriptoribus Romanis, Seneca, Quintilian, Florus, Paternus, etc.	
21. Juvenalis, Satiræ.	
Bohn's Classical Library. Translations:—	
11581 Ammianus Marcellinus.	
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11656 Terence.	
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11650 Velleius Paterculus.	
11580 Virgil.	

MISCELLANEOUS EDITIONS OF AND WORKS RELATING TO.

62541	Cæsar, Commentaries; with Translation by Hamilton	x	duo	1829
58863	Cæsar, Commentaries; Translated by Edmonds	x	fol	1677
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1923	Catullus, Tibullus, Propertius, Opera (Printed by Baskerville) ..	x	4to	1772
8860	Catullus, Tibullus, Propertius, Opera;	x	duo	1822
75562	Catullus, Commentary on, by Ellis	x	8vo	1876
55569	Cicero, Cato Major; Translated by Franklin	x	8vo	1778
21082	Cicero, De Natura Deorum; with Commentary by Mayor ..	x	8vo	1880
59379	Cicero, De Officiis, De Amicitia et de Senectute	x	4to	1796
8846	Cicero, De Officiis; Text, with English Notes by Holden ..	x	8vo	1854
4418	Cicero, Epistolæ; Latin Text and Notes	x	4to	1480
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59441	Cicero, Letters and Life, by Middleton and others	x	8vo	1840
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3074	Cicero, Life of, by Hollings; Family Library Vol. 14	x	duo	1839
46221	Cicero, Life of, by Middleton	3	8vo	1804
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30192	Florus; Opera (Printed by Baskerville)	x	4to	1773
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56103	Horace, Satires, Epistles, and Art of Poetry; Text and Translation in Parallel Columns	x	duo	1783
11840	Horace, Satires, Epistles, and Art of Poetry; Translated into English Verse by Conington	x	duo	1874
56181	Horace, Opera; Juxta Editiones Rutgersianam et Cantabrigiensem ..	x	duo	1702
65004	Horace, Opera (Printed by Baskerville)	x	4to	1770

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59380	Horace, Opera (typis Bodoni)	1	4to	1793	
3879	Horace, Works; Translated by Francis; Chalmers' Poets, Vol. 19..	1	8vo	1810	
73489	Horace, Works; Translated into English Verse, with Life and Notes, by Martin	2	8vo	1881	
75564	Horace, Works; with Commentary by Wickham, Vol. 1	1	8vo	1877	
21120	Justinian, Institutes; Translated by Abdy and Walker	1	duo	1876	
56100	Juvenal et Persius, Satyræ; cum veteris Scholiastæ et variorum Commentariis	1	duo	1684	
62326	Juvenal et Persius, Satyræ (Printed by Baskerville)	1	4to	1761	
70611	Juvenal; with Commentary by Mayor	2	duo	1880-1	
	Juvenal, Satires Translated, by Dryden; Anderson's British Poets, Vol. 12, Chalmers' Poets, Vol. 19	1	8vo	1881	
75565	Livy, Book 1; with Notes by Seeley	1	8vo	1881	
8857	Lucan, Pharsalia; Text, and Notes by Farnabius	1	duo	1618	
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5885	Lucretius, De Rerum Natura (Printed by Baskerville)	1	duo	1773	
56676	Lucretius, Nature of Things; Translated by Creech	2	duo	1714	
77404	Lucretius, de Rerum Natura, Text; translation and notes by Munro	2	8vo	1866	
75568	Martial, Epigrammata Selecta; with English Notes by Paley & Stone	1	8vo	1881	
57816	Ovid, Fasti; Textum recensuit Thompson, Birminghamiæ	1	duo	1840	
3830	Ovid, Metamorphoses, translated by Garth and others; Chalmers' Poets, Vol. 20	1	8vo	1810	
8869	Paterculus, Historiæ Romanæ;	1	duo	1620	
75566	Persius, Satires of, by Conington; Edited by Nettleship	1	8vo	1874	
21032	Persius, Satires, translated by Dryden; Anderson's British Poets, Vol. 12	1	8vo	1795	
8848	Plautus, Anularia; Text, with English Notes by Hildyard	1	8vo	1839	
56183	Plautus, Comœdiæ	1	duo	1601	
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52956	Pliny, Naturall Historie; Translated by Holland	2	fol	1601	
75569	Pliny the Younger, Select Letters of; with English Notes by Church and Brodribb	1	8vo	1882	
15949	Plutarch's Lives, translated by North	1	fol	1595	
26664	Plutarch's Lives, translated by North	1	fol	1603	
43745	Plutarch's Lives, Dryden's Translation, revised by Clough	5	8vo	1874	
2377	Plutarch's Lives, edited by Langhorne	6	8vo	1819	
1923	Propertius; Opera (Printed by Baskerville)	1	4to	1772	
8859	Quintus Curtius, De Rebus Gestis Alexandri Magni;	1	duo	1826	
52994	Quintus Curtius, Alexander the Great; Translated with Notes by Pratt	2	8vo	1821	
30192	Sallustius et Florus (Printed by Baskerville)	1	4to	1773	
25378	Sallustius et Florus (Printed by Baskerville)	1	duo	1774	
59755	Sallustius, Opera (typis Barbon)	1	duo	1774	
59381	Sallustius, Opera; Pickering	1	4to	1864	
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2205	Terentius, Comœdiæ; Text (Printed by Baskerville)	1	4to	1772	
5884	Terentius, Comœdiæ; Text (Printed by Baskerville)	1	duo	1772	
8858	Terence, Comedies; made English by Echarde	1	duo	1718	
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	Virgil, Æneid, translated by Pitt; Anderson's British Poets, vol. 12, Chalmers' Poets, vol. 19, Johnson's Poets, vol. 53	1	8vo	1810	
26980	Virgil, Æneis; First Four Books by Stanyhurst, 1582. English Scholars' Library, vol. 10	1	4to	1880	
21196	Virgil, Opera; Cum Observationibus Emmenensii	3	8vo	1680	
59657	Virgil, Opera; Codex Antiquissimus In Bibliotheca Mediceo-Laurentiana adservatus	1	4to	1741	
5489	Virgil, Opera; Text (Printed by Baskerville)	1	4to	1757	
56090	Virgil, Opera; Text, with Latin Notes, Edited by Heyne	4	duo	1787-9	
21110	Virgil, Opera; cum Commentario edidit Kennedy	1	duo	1876	
	Virgil, Works, translated by Dryden; Anderson's British Poets, vol. 12, Chalmers' Poets, vol. 19, Johnson's Poets, vols. 22, 23, 24	2	8vo	1849	
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16260	Shakspeare's Dramatic Works (with Index by Ayscough) ..	3	8vo	1790
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54800	Shakespeare's Dramatische Werke	1	8vo	1839
33189	Shakespeare's sämmtliche Werke	1	duo	1859
44312	Shakespeare's Dramatische Werke (Uebersetzt von Schlegel, Tieck, und Bernays) .. .. .	..	..	..	12	duo	1871-3
11789	Shakespeare's sämmtliche Werke .. .. .	..	..	..	4	8vo	1878
73946	Shakespeare's Dramatische Werke (von Koch) .. .. .	..	..	..	12	duo	1882
70333	Shakespeare's Sämmtliche Werke (English and German, Ausgabe von Sachs)	duo	1884, etc.

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57181	Delius (N.) Shakspeare-Lexikon	1	8vo	1882
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36564	Alcock (R. H.) Botanical Names for English Readers	1	8vo 1876
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46453	Allen (Grant) Colours of Flowers; Nature Series, vol. 14	1	duo 1882
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	America; <i>see</i> Barton, Bates, Beck, Cobbett, Darlington, Eaton, Gray, Harvey, Hemsley, Hernandez, Michaux, Sargent, Smith- sonian, Sullivant, Torrey			
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36384	Botanical Register, from vol. 1 (General Index to vols. 1 to 24, see vol. 24), 33 vols., 1815-47.		
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31460	Curtis's Botanical Magazine, from vol. 1, 1793, &c.		
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9641	Gardener's Chronicle, from 1841.		
36576	Grevillea, Record of Cryptogamic Botany, edited by Cooke, 1872, &c.		
28301	Paxton's Magazine of Botany, 1834-49.		
35287	Phytologist, The, edited by Irvine, from vol. 1, 1844-63.		
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